



~~Bany. Club 21~~

SCS. BC. 21











ACTS AND PROCEEDINGS  
OF  
THE GENERAL ASSEMBLIES  
OF THE  
KIRK OF SCOTLAND,  
FROM THE YEAR M.D.LX.

COLLECTED FROM THE MOST AUTHENTIC MANUSCRIPTS.

PART FIRST. M.D.LX.—M.D.LXXVII.

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EDINBURGH, M.DCCC.XXXIX.



AT an Extraordinary General Meeting of the BANNATYNE  
CLUB, held at Edinburgh, in the Hall of the Antiquarian  
Society, on Monday the 15th day of April 1839 :—

RESOLVED,—That the first part of “The Acts and Proceedings  
of the General Assemblies of the Kirk of Scotland, from the year  
M.D.LX., collected from the most authentick Manuscripts,” and now  
printing for the BANNATYNE CLUB, under the superintendence of  
the President of the Club, be circulated among the Members.

DAVID LAING, *Secretary*.



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MAY, M.DCCC.XXXIX.

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100 THE VEN. ARCHDEACON WRANGHAM.



IT having been resolved by the Committee of Management of the Bannatyne Club, to circulate immediately that portion of the Book of the Universal Kirk of Scotland already printed, and which has been calculated to amount to about one-third of the entire Work, reserving to the conclusion of the whole, an account of the Manuscripts that have been employed in its compilation ; it may at present be enough to state, that its object has been to preserve whatever may yet be recovered of the recorded proceedings of the Assemblies of the Church, from the era of the Reformation, to the period from which its original Registers are still extant. Besides that abridgment of the earlier volumes of the Register, usually known under the title of " The Book of the Universal Kirk," the principal source from which the contents of this compilation have been derived, is the unprinted History of the Church by Calderwood, which embraces much larger and more authentic selections from the Registers than any other existing manuscript. All these additions to the Book of the Universal Kirk are inclosed in brackets, and distinguished by the letter C. ; a few taken from Knox's History are denoted by the letter K. ; and those passages where it has been occasionally found necessary to combine the contents of the leading Manuscript with those of Calderwood's History, are marked with the letters C. & B.

EDINBURGH, *April 22. 1839.*

THE BOOKE  
OF THE  
UNIVERSALL KIRK OF SCOTLAND:  
WHEREIN THE HEADIS AND CONCLUSIUNS  
DEVYSIT BE THE MINISTERIS AND COMMISSIONARES  
OF THE PARTICULAR KIRKS THEREOF  
ARE SPECIALLY EXPRESSED  
AND CONTAINED.



A. D. M.D.LX.

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THE Names of the Ministers and Commissioners of the particular Kirks of Scotland, conveyit to consult upon these things whilk are to sett forward Gods glorie, and the weill of his Kirk in this Realme, in Edinburgh the xx day of December 1560 yeirs.

Johne Knox minister, James Barron and Edward Hope, commissioners for Edinburgh.

Christopher Gudman minister, David Spens and Maister Robert Kynpont, for St Androes.

Maister Johne Row minister, for the towne of Perth and kirk thereof.

William Darroche and William Norvell, for the towne of Striveling and kirk thereof.

Charles Drummound provest, James Witherspoone and Andrew Mylne, for Lynlithgow.

Hew Wallace of Carnall, Johne Fullerton of Dreghorne and Charles Campbell of Skeldoun, for the kirks of Kyle.

George Hoome of Spott, for the kirks of East Lauthiane.

David Lindefay minister, Andrew Lamb and Patrick Boyman, for Leith.

William Harlaw minister and Robert Fernelay of Braid, for St Cuthberts kirk.

William Christefone minister, George Lovell and William Carmichaell, for Dundie.

Alexander Guthrie of Halkertoun, William Durhame of Grange, for Forfare.

Johne Areskine of Dunne and Andrew Mylne, for Montrose.

The lairds of Tullievaird and Fethercairne, for the kirks of the Mernes.

The laird of Gairlies ȝounger, for the kirks of Nitheſdaile.

Maifter David Weymis, for the kirk of Carnbie.

Maifter Walter Balfour, for the kirk of Lyntoun.

Johne Broun, Thomas Boyd and James Polwart, for Torphichen.

William Lamb, William Bonkle, for Dumbar.

James Douglas, James More, for Calder Comitis.

John Kincaid, for Kirkliftoun.

Maſter Robert Wyrhame, for Ratho.

The names of them whilk the miniſters and commiſſionars think maiſt qualified for the miniſtring of the word of God and ſacraments, and reiding of the commoun prayers publickly in all kirks and congregations, and givin up be them every ane within there awin bounds.

In Kyle for reiding.

Ranken Davidſon, Richard Bannatyne, Robert Campbell, Hew Wallace, Andrew Lochart, Andrew Chalmer, James Dalrumple, Adam Landells, all reidars, and John Chalmer apt to teach.

In St Androes for miniſtreing and teaching.

Maifters Johne Rutherford, William Ramſay, James Wilkie, Robert Hamiltoun, Patrick Conſtane, William Rynd, William Skene, Archibald Hamiltoun, Alexander Arbuthnet, James Kirkaldie, David Collaſſe, William Scott, David Weemes, Thomas Buchanan, David Spens, Robert Kynpont, Johne Wyrhame of Kirkneſſe, Alexander Spens, Johne Wood, David Guild, Robert Paterſone.

Uthers whilk are thought apt and able be the miniſters and commiſſionars forſaids to miniſter.

Johne Arefkine of Dunne, Johne Fullertoun of Kynnaber, David Forres, Patrick Kyninmonth, Mr James Melvill, Richard Melvill, Maifters Johne Kellow, Robert Montgomerie, Johne Hepburne, Thomas Hepburne, George Hepburne and William Lamb.



Mr Johne Ramfay presentit be Sir John Borthwick as minifter for the kirks of Aberdoure and Tyrie.

December 21, 1560.

The minifters and commiffioners forfaids being affemblit, finds that the miniftrie of the word and facraments of God, and affembly of the peiple of the whole parochin of Reftalrig, be within the kirk of Leith; and that the kirk of Reftalrig, as a monument of idolatrie, be rayfit and utterlie caftin downe and destroyed.

The queftion being proponed anent mariage in fecond and uther degreies of confanguinitie, forbidden be the Pope to be folemnizat betwixt parties, it is found that, of the law of God, mariage may be folemnizat betwixt parties beand of fecond, thrid, and ferd degreies of affinitie or confanguinitie, and uthers fiek as are not prohibited expreffely be the word of God; and therfor to defyre the Lords and eftates to interpone there authoritie, and approve the famein, and make lawes therupon.

December 27, 1560.

The kirk appointit the electioun of the minifter, elders and deacons, to be in the publick kirk, and the premonition to be made upon the Son-day preceeding the day of the electioun.

The kirk appointed that to the punifhment of fornication, the law of God be obfervit: Publick repentance to be made be them that fall ule carnall copulation betwixt the promife and folemnization of mariage.

[The petition of weights and meafures was referrit to the Parliament.] C

That all fiek as hes bein in the miniftrie of the Popes kirk, good and well conditioned perfones, that they fall live upon the almes of the kirk, with the number of poore.

Consentit be the kirk that none be put in judiciall offices to be magifters, as proveft, baillies, and officers of townes, exceptand them who are knowin to be plaine and true profeffours of the Evangell.

It is alfo thocht expedient that earneft fupplication be made to the eftates of this realme in parliament, and to the lords of fecreit counfell, that all judges ordinaire and officers judicial, fiek as the Lords of the Seflioun, fhireffis, ftewarts, baillies, and uther judges ordinarie, be profes-

fours of the trueth of the true word of God ; and all ministers thereof to be removit fra sick offices according to the civill law.

[Item To desire the Estates in Parliament to take order with the confirmatioun of testaments, that pupils and orphans be not defrauded, and that lawes be made thereupon in their favours.] C

To aske at the estates of parliament and lords of secreit counsell, for eschewing of the wrath and judgement of the eternall God and removeing of the plagues threatned in his law, that sharp punishment may be made upon the persons underwriten, and uthers idolaters and maintainers thereof, in contempt of God his true religioun and aets of Parliament, whilk faves and causes melle to be said and are present thereat within the places following.

In Nithefdaile and Galloway.

The Pryor of Whitherne and his servants in Crugletone.

The Laird of Corfwell, in Corfwell.

The Lord Cairleill.

The Laird of Kirmichaell, who causes masse daylie to be said, and images holden up, and idolatrie to be maintained within his bounds.

In Fyfe.

The Laids of Balwerie and Lathrisk, and Mr John Scrymgeours wife.

In Kyle, Carrick and Cunninghame.

The Erles of Eglintoun and Cassills, William Hamiltoun of Cambuskeith, the abbot of Corfraguell, the parochiners of Mayboill, Girvan, Oswald and Dalay, within the kirk whereof melle is openly said and maintained.

In East Lauthiane.

Johne Carkettle in Markill causes melle daylie to be said ; the auld ladie Hooime in Thornetoun ; the curate of Currie for abusing the sacraments.

In the Forrest of Ettrick.

The goodman of Gallowfcheils, who not only causes melle to be said, but als maintaines the sayers thereof, who are enemies to God and his trueth, and therfor were exylit out of Edinburgh.

The kirks conveyit continues this thair assemblie till the 15 day of Januar nixt to cum, and hes thocht expedient that the said day ane commissioner at the least be sent fra every kirk, for requyring of sick things of the parliament as false thocht for the weill of the halie kirk ; and every commissioner present promitteth to come themselves, or cause some others fra the kirk, the said day to the brugh of Edinburgh to the effect forsaid ; and ordains every commissioner, alswell of townes as of paroch kirks to landward, to bring a roll with them of the whole teyndis, lands, annualls, profits and emoluments of the paroch kirks nixt adjacent to them, and what persons hes tacks thereof, to whom the samein pertains, and there names to be specially named, and what duetie they pay for the samein.

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A. D. M.D.LXI.

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AT Edinburgh, the 26 of May 1561. The haill kirk conveyit in the Tolbuith of Edinburgh, hes determinit and thocht good that ane humble complaint be made and givin in, in thair names, tuitching the fuppreffion of idolatrie, and other points after following, to the Lords of Secreit Counfell.

In the first, for fuppreffing of idolatrie throughout the whole realme, and punifhing the ufers thereof, maintainers of the famein, haunTERS and frequenterS therto.

Item, for mantaining and fpeciall provision to be made for fuperintendents, for the erecting and eftablifhing of moe in places convenient, and for punifhing of the contemnners of the faid fuperintendents and diffobeyars of them.

Item, for ordour to be takin anent the abufers of the facraments, and contemnners of the famein.

Item, that no letters of the felfioun be givin, to anfuer or pay to any perfon ther teinds, without fpeciall provifioun that the parochiners retaines fae meikle in ther hands as is appointed to the minifter; and that all fick as are els givin be callit in and difchairgit, and lykewayes that no fhireff give precepts to that effect.

Item, that the felfioun nor no uther judges proceed upon fick precepts or warnings, paft at the instance of them that hes obtained fewes of lait of viccarages, perfones manffes, and kirkyeards.

Item, that no letters take place whill the flipends contained in the Booke of Difcipline for fufentation of the minifters, be firft confignit in the hands at the leaft of the principall of the parochiners.

Item, for ordour to be takin for the punifhment of fuch as purchafes, and brings hame, and executcs within this realme, the Popes bulles.

[The tenour of the Supplication.

Pleis your Honours, and the wifdome of lick as ar presently conveyed with you in counsaill, to understand, that be mony arguments we perceive quhat the pestilent generatioun of that Romane antichrist within the realme pretendis, to wit, that they wald of new erect thair idolatry, tak upoun thame to impyre above our conscience, and so to command us, the treu subiectes of this realme, and lick as God of his mercy hes (under our Soverane) subjected unto us, in all things to obey their apettes. Honesty craveth, and conscience movethe us, to mak the very secreits of our hairts patent to your honours in that behalf, quhilk is this, That befor that evir these tyrantes and dum dogis impyre above us, and above lick as God hes subjected unto us, that we, the barones and gentilmen professing Christ Jesus within this realme, have fullie determined to hazard lyfes, and quhatsoever we have receaved of our God in temporall thingis. We maist humely tharefor besik your honours, that lick ordour may be taiken, that we have not occasioun to tak agane the sword of just defence into our handis, quhilk we have willingly (ester that God hes gevin victory, bothe to your honours and us) resigned over into your hands; to the end that Gods evangell may be publicly, within this realme, preiched; the trew preicheours thareof reffonably susteined, idolatry suppressed, and the comitteris thareof punished, according to the lawes of God and man. In doing qubareof, your honours fall find us not onely obedient unto you in all things lawfull, bot also redy at all tymes to bring under ordour and obedience lick as wald rebell against your just authority, quhilk, in absence of our Soverane, we acknowlege to be in your hands, besik your honours, with upright judgement and indifferency, to luik upoun these our few artickles, and by these our brethren, to signifie unto us lick answer agane as may declair your honours worthy of that plaice, quhairunto God (ester sum dangers susteined) in his mercy hath called yow. And let these enemies of God assure thamefelfis, that if your honours put not ordour unto thame, that we fall schortely tak lick ordour, that they fall neyther be abell to do quhat they list, neyther yit to leve upoun the sweit of the browes of lick as ar no detteris unto thame. Let your honours conceive nothing of us, bot all humill obedience in God. But let the Papistes be yit ones agane assured, that thair pryde and idolatry we will not suffer.] K.

May 28, 1561.

The kirk convenit, after that they heard the supplication and articles forsaide, beand put in forme, red in thair presence, at length advyfit therewith, ordainit the samein to be presented to the secreteit counsell; and for presenting thereof and obtaining of answers therto, nominat and ordained thir brethren after mentioned to awaite thereon: The Mr of Lindsay, the Laird of Fernihirst elder, Thomas Mengies provest of Aberdein, the laird of Lochinvar, the laird of Whittingham and George Lovell burges of Dundie.

Upon the whilk supplication, articles and sute thereof was grantit and followit be the lords of secreteit counsell, and act and ordinance therupon, with letters therupon, anfuering to every heid of the said articles and supplicatioun, at length specified in the act of secreteit counsell made therupon; whilk is to be had in the hands of Johne Johnstoun, scribe therof, and letters and publication past therupon.

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A. D. M.D.LXI.

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[At Edinburgh, the                      day of December 1561.]

The whilk day tuiching the slander takin be the horrible fact and impietie committed within this brugh under filence of night be Marques Dalbuiff and his collignes, in breaking up of Cuthbert Ramfay his zets and doores, and searching and feiking his dochter in law to oppresse her, as appeirit; it is thocht good be the haille kirk, that a supplicatioun be made and givin in to the Q. Majestie, in name of the professours of the Evangell, and the persons befor nominat present the famein, to seik the anfuer therof. The forme of the supplication followeth.

To the Q. Majestie and her secreit and great counsell, Her G. faithfull and obedient subiects, the Professours of Chryst Jesus his holy Evangell, wilhes the spirit of righteous judgement.

The feare of God conceivit of his holie word, the naturall and unfained love whilk we beare unto your G. the duetie whilk we ow unto your countrie, and the terrible threatnings whilk God pronounces against every realme and citie in the whilk horrible crymes are openly committed, and then be the committers obstinately defended, compell us, ane great part of your subiects, humblie to crave of your Grace upright and true judgement against sick persones as hes done what in them lyes to kindle Gods wrath against this heale realme. The impietie be them committed is so haynous and so horrible, that as it is ane fact most vyle and rare to be heard of within this realme, and principallie within the bowells of this citie, so sould we think ourselves guiltie in the famein, if negligentlie, or yet for worldlie feare, we passe it over with filence; and therfor your Grace may not think that we requyre any thing, whill that we crave oppin malefactors condignely to be punished, but that whilk God hes commandit us to crave, and hes als commandit your Grace to give to every ane of your subiects; for be

this linke hes God knitt together the prince and the peiple, that as he commands honour, feare, and obedience, to be givin to the powers establiſhed be him, ſwa does he in expreſſe words command and declare what thing the prince aweth unto the ſubieſts, to witt, that as he is the miniſter of God, bearing the ſword for vengeance to be takin on evill doers, and for the defence of peaceable and quyet men, ſwa ought he to draw the ſame without all partialitie ſwa oft as he is in Godis name requyrit therto. Seeing ſo it is, Madame, that this cryme ſo recentlie committed, and that in the eyes of your heale realme now preſentlie aſſembled, is ſo haynous, for who heirtofoir have heard within the bowells of Edinburgh, getts and dures under ſilence of night bruifit up, houſes rypeit and that with hoſilitie, ſeiking ane woman as appeirit to oppreſſe her, ſeing we ſay that this cryme is ſo haynous, that all godlie men feare not only Godis ſair diſpleaſure to fall upon you and your heale realme, but alſo that ſick libertie breid contempt, and in the end ſeditioun, if remeid in tyme be not gudlie provydeit, whilk in our judgement is impoſſible, if ſevere puniſhment be not execute for the cryme committed: Therfor we moſt humble beſeik your Grace, that all affection laid aſyde, ge declare your ſelfe ſo upright in this caſe, that ge may give evident demonſtration to all your ſubieſtis, that the fear of God, joynit with the love of the commoun tranquillitie, have principall ſeat and dominion in your G. heart. This forder, Madame, of conſcience we ſpeake, that as your Grace in Godis name does crave of us obedience, whilk to render in all things lawfull we are moſt willing, ſwa in the ſamein name doe we, the haill profeſſours of Christs Evangell within this realme, crave of you, and of your counſell, ſharp puniſhment of this cryme; and for performance therof, that without all delay the principall actors of this moſt haynous cryme, and the perſewars of this intendit villany, may be callit befor the Cheife Juſtice of this realme, to ſuffer ane aſſyſe, and to be puniſhit according to the lawes of the ſamein, and your Graces anſuer we moſt humble beſeik.] R. K.

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A. D. M.D.LXII.

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THE Convention of the Kirk of Scotland, gatherit in Edinburgh, the penult day of Junij 1562, in the whilk were present the Superintendents, Ministers, and Commissioners afterwritten.

Superintendents.

Maisters Johne Spotiswood of Lauthiane, John Wyrhame of Fyffe, John Willock of Glasgou, Johne Areskine of Dun of Angus, Johne Carlwell of Argyle.

Ministers and Commissioners.

Johne Knox minister of Edinburgh, James Barron and Edward Hope, commissioners, James Jong, Mr David Lindefay minister at Leith, Patrick Cockburne and Johne Broun, commissioners, Mr John Craig minister at Halierudeboule, John Hart and William Oswald, commissioners, William Harlaw minister of St Cuthbert's kirk, Johne Burne minister of Mussilburgh, Mr Thomas Cranston minister at Tranent, Alexander Forrester minister at Libbertoun, Mr George Fuird minister of Dumanie, Mr David Weymis minister of Ratho, David Cunningham minister of Lanerick, James Walker minister of Steinston, Paul Methven minister of Jedburgh, Mr George Hay minister at Edilstoun, Christopher Gudman minister at St Androes, Mr George Leslie minister at Straithmigliow, Richard Melvill minister at Inchbroock and Maritoun, Johne Douglas of Pumfrestoun and John Douglas in Howden, commissioners of the kirk of Calder, the laird of Spot commissioner for Dunbar, and diverse in the Merse, James Fleyming elder and commissioner of Glasgou, the laird of Lye commissioner of Lanerick, the laird of Barre commissioner of Kyle, Johne Cathcart of Cariltoun commissioner of Carrick, Mr Robert Pont elder and commissioner of St Androes, Thomas Scott of Hayning commissioner for Selcraig and Melros.

The whilk day the forenameit conveyit in Mr Hendrie Lands houe, and after prayer, the heids and articles following were treated.

That unitie of doctrine may be retained among the ministers, that errors may be avoydit, that maners may be reformed, vyce punished without exception of persons, and swa that vertue and knowledge may be univerſally planted through this realme.

Because the lyves of ministers aught to be sikk as therby uthers may be provockit to godlines, it becomes them first to be tryed; and therfor, after the tryall of the superintendents, if any man have to accuse them in life, doctrine, or execution of their office, the elders of every kirk man be chargeit in Gods behalfe, to declare there conscience of there ministers, touching there doctrine, lyfe, manners and conversation. If any be accused and convict of any notable cryme, he must be subiect to the censure of the kirk, and suffer punishment and admonition as they shall pronounce.

After the ministers, the elders of every kirk must be tryed, if any hes to lay to the charge of any of them. The accused, whether he be minister or elder, aught to be removed out of the assembly whill his cause be tryit; if he be convict, he can have no vote whill the kirk receive satisfiacion.

After tryall be tane of the haile, then man every superintendent, with the ministers and elders within his dyocie, expone to the kirk the state of the kirk among them, note the offences and crymes that they know, to the end that the whole may devyse some wholesome remeid, or at least make supplicatioun to the superiour powers for the samein, and least that confusioun should happin through rashnes and hastines, lotes wald be castin what dyocie should first be heard, what secondlie, and swa fourth of the rest.

[It was ordained, that if ministers be disobedient to superintendents in any thing belonging to edification, they must be subiect to correction.

It was ordained, that a charge should pass from every superintendent to all ministers within the bounds, to warn thair kirks of the order taken; to wit, that the said superintendents, ministers, elders, and deacons doe willingly subiect themselves to discipline; and if any man have any thing to lay justly to thair charge, that they doe the same at the next Assembly, which is to be holden in December, and that no minister leave his flocke for coming to the said assembly, except he have complaints to make, or else be complained on, or at least be warned thairto be the superintendent.] C.

The second Seſſioun haldin the laſt day of Junij 1562.

[It was answered by the Aſſembly to the petition of Mr Alexander Gordon, anent the ſuperintendentſhip of Galloway, firſt, that they underſtand not how he hath any nomination or preſentation, either be the Lords of Secret Counſell or province of Galloway. Secondly, Albeit he had preſentation of the lords, yet he has not obſerved the order kept in the election of ſuperintendents, and therfor cannot acknowledge him for a ſuperintendent lawfully called for the preſent, but offered unto him their aid and aſſiſtance, if the kirks of Galloway ſhall ſuit, and the lords preſent; and requireth that before he depart, he ſubſcribe the Book of Diſcipline. Farther, it was concluded that letters ſhould be ſent to the kirks of Galloway to learn whither they required any ſuperintendent or not, and whom they required.] C.

It is concludit be the hail minifters aſſemblit, that all minifters falſe ſubje&t to ther ſuperintendents in all lawfull admonitiouns, as is preſcript alſweill in the Booke of Diſcipline as in the election of ſuperintendents.

[That ſo many minifters as have been accepted of their kirks, after triall offered and liberty granted to them to receive or reſuſe, ſhall remain as lawfull minifters, unleſs from that time they have been found criminal in life or doctrine; and that ſuch as ſerve in the kirks without publick and free admiſſion, it ſhall be free for the kirks to receive or reſuſe them, as they be able to render the cauſe why they reſuſe.

That the examination of all theſe who have not been examined already ſhall be in the preſence of the ſuperintendent, and of the beſt reformed kirk within his bounds neareſt the place where the miniſter is to be eſtabliſhed; providing always that the judgement of the beſt learned being preſent be fought in the examination and admiſſion, and that he who ſhall be ſo admitted ſhall not be removed, according to the order of the Book of Diſcipline.] C.

That ſuperintendents take count what bookes every miniſter hes in ſtore in the tyme of their viſitation, and how the ſaid miniſter, and every one of them, does profite from tyme to tyme in reiding and ſtudyng the ſamein.

[The Aſſembly ordained the ſuperintendent of Lothian to ſummond Michael Smith, pretended miniſter of Strabroke, to purge himſelf of certain

crimes laid and to be laid to his charge; and Mr George Hepburn, parson of Hauch, to answer to such things as shall be laid to his charge.

The slander raised upon Mr Robert Hamilton, minister of Hamiltoun, was remitted to the tryal of the superintendent of Glasgow, to remove him out of the ministry if he thought expedient.

The Assembly decerned letters to be directed to the elders, deacons and whole kirk of Crail, to require them, as they would answer in the presence of God, to signify to the Assembly with all diligence, whither Mr John Melvill thair minister was accused be the whole kirk, or be any privat faction; whither the whole kirk requireth his removal, or the most part, or only some particular persones.] C.

The thrid Session haldin the first of Julij 1562.

It is concludit that the minister shall requyre his elders and every ane of them to assist him in all his lawfull assemblies; in the whilk if they be fund negligent, then shall he proceed to all admonitiouns, according to the rule of Chryst; whilk if they or any of them obey not, then shall the minister, with so many of the kirk as will subscribe with him, notifie the matter to the superintendent, and if he be this can profite nothing, that then be his advyse the inobedient be pronounced excommunicat; and the magistrate subiect to the rule of Chryst be not exeimed fra the samein punishment, being fund guiltie or inobedient.

[Touching persons to be nominat to kirks, that nane be admitted without the nomination of the people, and due examination and admission of the superintendent; and who have been otherwayes intrused since the geir 1558, to make supplication for their provision according to the foresaid act.

After the ministers, exhorters, and readers had complained of the finalnes of their stipends, it was concluded, that every ane of them should give in their particular complaint to their superintendents, showing as well the valour of their stipend, as why they cannot live reasonably thairupon, that the Assembly may make supplication to the Quenis Grace and Counsell for redress of the same; and this is to be done before the last day of September next to come.

And in like manner, becaus many ministers complain of not payment of their stipends, in default of the third of divers persons given be the

Quenis Grace to these who are in possession of the kirks presently, it was thought good to require of her Highness and Counsell, that order might be taken how the said complainers might be payed.

Alwa in consideration that the ministry in certain burrowes complained for want of their stipends allowed unto them, because of the finalness of the third part of the teinds given to her Highness pertaining to the saids burrowes, it was thought good to crave of her Majesty and Counsel how the saids ministers should be sustained.] C.

To make supplication to the hier powers for the mannes and aikers to ministers to dwell in, according to the Booke of Discipline, and the kirks to be repairit that are decayit, conforme to the act of the Lords of the Secreit Counsell pronouncit before the Quenis Graces hame comeing.

[In like manner, to prefer supplication for the poor and their support; for maintainance of schools for instruction of the youth in every parish; and the same to be taken of the twa part of the teinds, and within burrows of the annual rents, and other such things as before served to idolatrie.

The 4th Session haldin the 2d day of July.

At the desire of the Assembly, compeared Mr John Sharp, and after long reafoning be the said Mr John, it was asked whither he would serve in the kirk of God in such place as the Assembly would place him into. He answered, he was content to bestow the gifts he had to the comfort of the kirk of God; but for so much as the charge required the preaching of the Evangel and ministratation of the sacraments, the consideration of his present ignorance in the Scriptures, could not accept the same till the time of farther knowledge. The Assembly finding him able to preach the word and minister the sacraments, as he had done before times, charged him to reenter to the ministry, the place where he should minister being reserved to farther deliberation.

It was ordained that Mr Craig should be joined with Mr Knox in the ministry of Edinburgh; that Mr James Greg should assist the superintendent of Glasgow till Michaelmas next to come, and thereafter to teach in the parishes belonging to the Lord Areskine, till the next Assembly.

Mr George Hay the superintendent of Glasgow, Mr Robert Hamilton minister of Machline and Uchiltrie, were appointed to preach in the un-

planted kirks of Carick successively one after another monthly till the next Assembly.

Mr James Pont was appointed to minister the word and sacraments in Melrofs till the next Assembly ; Mr Robert Pont appointed to minister till the next Assembly in Dumblane.] C.

The fyft Sessioun, haldin at Edinburgh the 3d of Julij 1562.

[David Forrest was requested to take on the Ministrie.] C.

The haill kirks appoints and descernes Mr John Sharp and Robert Willon to minister in sik kirks as falbe thoght good be the kirk.

The saxt Sessioun, 4 July 1562.

[It was concludit that Mr John Sharp should reenter in the ministrie, and to ferve in the kirk whilk the superintendent of Lothian should appoint, and if he refused, that the censures of the kirk be execute against him.

David Forrest's answer was referred to the superintendent of Lothian and kirk of Edinburgh ; Mr Patrick Cockburn, Mr Thomas Hepburne, Mr David Lindfay, or else Mr John Craig, were appointed to teach in the unplanted kirks of the Merce thair month by course.

John Dowglafs of Pumferston, complaining in name of the kirk of Calder, that they are defrauded divers times of the preaching of the word, since their minister was elected superintendent of Lothian, desired the said superintendent to be restored to them again, or some qualified minister to be provided to them. It was answered, the profit of many kirks was to be preferred to the profit of one particular, and that the kirk of Calder should either be occupied be himself, or be some other qualified person in his absence, which could not be otherways helped in this rarity of the ministry, and that they should have complained when the publick edict was set furth 20 days before his admission.

The Assembly being informed that Mr David Spense gave institution, by vertue of the Popes bulls, to Mr Robert Auchinmouty, of the prebendry of Ruffell, the 25 of June last by past, ordained that the superintendents of Fife and Lothian take order respective with the foresaid persons,

and to informe the Justice Clerk, to call them to particular diets for breaking of the Quenis acts, if they find the matter clearly tryed, and that the superintendent of Lothian signify the matter to the Duke.] C.

Touching the removeing of idolatric, the kirk now as of befor, concludes humble supplicatioun to be givin in to her Hienes; but the maner how, they have referrit to further consultatioun of the godly of her Majesties secreit counsell.

Item, That supplication be made to her Hienes for punishing of all vyces commanded be the law of God to be punished, and get not commandit to be punished be the law of the realme; viz. blasphemie of Godis name, contempt of his word and sacraments, profanation of the samein be sik as were not lawfullie callit to the ministratioun thereof, perjurie and takeing of the name of God commonly in vaine, breakers of the Sabbath day in keiping of commoun mercatts, adulterie, fornication, filthie talking; and further, that punishment be exactit upon the transgressours of the last proclamation made agains maffe mongers or heirars.

[Item, that suit be made to the Justice Clerk, for order to be taken with Mr William Scott of Balwery, for disobedience to the superintendent of Fife, and Mr James M·Verit in Bute, for disobedience to the superintendent of Argyle.

Item, that supplication be made to the secreit counsell, for assistance of the superintendent of Angus to visit the shierifdoms of Aberdeen and Bamf, according to the commission given to him be the Assembly in December last by past. This Assembly joined to him as associats Mr Christopher Gudman and Mr John Row.] C.

Anent the actiouns of divorcements, to make supplicatioun to the secreit counsell, that either they give up universallie the judgement of divorce to the kirk and their lessiouns, or els to establish men of good lyves, knowledge and judgement, to take the order thereof; provyding alwayes that the saids Lords make provisioun and ordinance how the guiltie persons divorced salbe punished.

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[The tenour of the Supplicatioun which was to be presented to the Quenis Majesty and her Counsell was red in oppin audience of the Assemblie and approved as followeth :—



To the Quenis Majestie, and her most honorable Privie Counsaill, the Superintendents and Ministers of the Evangell of Jesus Christ within this Realme, togidder with the Commissionars of the hail Kirk, desyre Grace and Peace from God the Father of our Lord Jesus Christ, with the Spirit of righteous judgment.

Having in mynd that fearfull sentence, pronounced by the eternall God against the watchmen that see the sworde of Gods punishment approche, and do not in plane words forewarne the people, yea, the princes and rewlars, that they may repent, we cannot bot signifie unto your Hienes and Counsaill, that the state of this realme is sik for this present, that unless redrefs and remedie be schortly provyded, that Godis hand cannot long spair in his angre, to stryke the head and the taill; the inobedient prince and sinful people: For as God is unchangeable and trew, so must he punish in these our dayes, the grevous sinnes quhilk befor we reid he hes punished in all ages, efter that he hes long called for repentance and none is schawn.

And that your Grace and Counsaill may understand quhat be the things we desyre to be reformed, we will begin at that quhilk we assuredly know to be the fontane and spring of uther evils that now abound in this realme, to wit, that idoll and bastard service of God, the Mefs. The fountain we call it of all impietie, not only becaus manie tak bauldnes to sin by reasone of that opinion quhilk they have conceived of that Idoll, to wit, that by the vertew of it they get remission of thair sinnes, but also becaus that under the color of the Mefs, ar hoores, adulterars, drunkards, blasphemars of God, of his holie Word and Sacraments, and sik uther manifest malefactours, mainteyned and defended; for let any Mess-layer, or earnest manteyner thair of be deprebended in any of the forenamed crymes, na executioun can be had, for all is done in hatrent of his religioun, and so ar wicked men permitted to live wickedlie, clocked and defended by that odious Idoll. Bot supposing that the Mefs wer occasioun of na sik evils, yet in the self it is so odious in Gods presens, that we cannot ceas with



all inflance to defyre the removing of the fame, alſweill from yourſelf as from all uthers within this Realme, tacking heavin and eirth, yea, and your own conſcience to record, that the obſtinat manteynance of that Idoll fall in the end be to you deſtruction of faull and body.

If your Maieſty demand, quhy that now we ar more erneſt then we have bene heirtofore ; We anſwer, (our former ſilence no ways excuſed) becauſe we find us fruſtrat of our hope and expectatioun ; quhilk was, that in proceſſe of tyme your Graces hart ſould have bene mollified, ſo far as that ye wald have hard the publiſt doctrine taught within this Realme ; by the quhilk, our farther hope was, that Gods Halie Spirit ſould ſo have moved your hait, that ye wald have ſuffered your religioun (quhilk before God is nothing bot abominatioun and vanitie) to have bene tryed by the trew tuich-ftane, the written word of God ; and that your Grace finding it to have no ground nor foundatioun in the fame, ſhuld have gevin that glory unto God, that ye wald have preſered his treuth unto your own preconceaved vain opinion, of quhat antiquitie that ever it hes bene. Quhareof we in a pairt now diſappointed, can no longer keape ſilence, unleſſe we wald mak our ſelfis criminall befor God of your blude, periſching in your own iniquitie ; for we planely admoniſche you of the dangers to cum.

The ſecound that we requyre, is puniſhment of horibill vices, ſick as ar adultery, fornicatioun, oppin horedome, blaſphemy, contempt of God, of his Word and Sacraments ; quhilks in this Realme, for lack of puniſhment, do even now ſa abound, that ſin is reputed to be no ſin. And thairfore, as that we ſee the preſent ſignes of Gods wrayth now maniſtly appear, ſo do we forewarne, that he will ſtryke, or it be long, if his law without puniſhment be permitted thus maniſtly to be contemned. If any object, that puniſhment cannot be commanded to be executed without a Parliament ; we anſwer, that the eternall God in his Parliament hes pronounced death to be the puniſhment for adulterie and for blaſphemie ; quhoſe acts if ye put not to executioun (ſeeing that Kings ar but his lieutenants, having no power to give lyfe, quhare he commands death) as that he will repute you, and all uthers that foſter vice, patrons of impietie, ſo will he not fail to puniſh you for neglecting of his judgements.

Our third requiſt concernes the pure, quho be of thre forts : The pure laborars of the ground ; the pure deſolate beggars, orphelins, widowes, and

strangeare; and the pure ministers of Christ Jesus his halie Evangell, quhilk all ar so cruelly entreated by this last pretended ordour takin for sustentatioun of ministers, that thair latter misery far surmounteth the former; for now the pure laborars of the ground ar so oppressed by the cruelty of those that pay thair thrid, that thay for the most pairt advance upon the pure, quhatsoever they pay to the Quene, or to any uther. As for the very indigent and pure, to quhom God commandes a sustentatioun to be provided off the teyndes, they are so despyfed, that it is a wonder that the sone giveth lycht and heat unto the earth, quhare Gods name is so frequently called upoun, and no mercy (according to his comandements) schawin to his creatures.

And as for the ministers, thair livings are so appoynted, that the most pairt fall live but a beggars lyfe. And all cometh of that impiety, that the ydle bellies of Christs enemies mon be fed in thair former delicacy. We dar not conceill from your Grace and Honours our conscience, quhilk is this, That neyther by the law of God, neyther yet by any just law of man, is any thing dew unto thame, quho now most cruelly do exact off the pure and riche, the twa pairts of thair benefices, as they call thame. And thairfore we most humilly requyre, that some uther ordour be takin with thame, nor that they be set up agane to impyre above the peple of God, eyther yet above any subject within this realme; for we fear that sik usurpation to thair formare state, be nether in the end pleasing to thame-selves, nor profitable to thame that wald place thame in that tyranny. If any think that a competent living is to be assigned to thame, we repugne not, provided that the labourars of the ground be not oppressed, the pure be not utterly neglected, and the ministers of the word so scharpely entreated as now they ar. And fynalie, that those ydle bellies, quho by law can crave nothing, fall confesse that they receive thair sustentation, not of debt, bot as of benevolence. Our humble request is thairfore, that some suddane ordour may be takin, that the pure labourars may find some relief, and that in every parochin some portioum of the teyndes may be assigned to the sustentation of the pure within the same. And lykwyse that sum publick relief may be provided for the pure within burghis, that collectors may be appoynted to gather, and right schairp countes may be taken, alswyll of thair reecat as of thair delyverance. The farther consideration to be had to our ministers, we in sum pairt remitt to your wisdomes, and unto thair particular complaints.

Our fourt petitioun is for the manfes, yairds and gleibs justly apperteing to the minifters, without the quhilk it is impossible unto thame quyetly to ferve thair charges; and thairfore we defyre that ordour be takin thairintill without delay.

Our fyft concerneth the inobedience of certane wicked perfones, who not only truble, and have troubled minifters within thair functiouns, bot also difobey the fuperintendents in thair vifitacioun; quhareof we humble crave remedy; quhilk we do not fa mekle for any fear that we and our minifters have of the papiftes, bot for the love we bear to the commone tranquillity. For this we cannot hyd from your Majeftie and counsaill, that if the papifts think to triumph quhare they may, and to do quhat they lift, quhare thair is not a partie able to refift thame, that fum will think, that the godly mon begin quhare they left, quho heirtofore have borne all things patiently, in hope that lawes fuld have bryddled the wicked; quhareof if they be fruftrat, (albeit that nothing be more odious to thame then tumults and domefticall difcords) yet will men attempt the uttermoft, befor that in thair awn eyes they behold that hous of God demolifched, quhilk with travell and danger God hath within this realme erected by thame.

Last, we defyre that fiek as have receaved remiffioun of thair thriddes, be compelled to fustene the minifterie within thair boundes, or els we forwarne your Grace and counsaill, that we feir that the peple fall retene the hail in thair hands, untill fiek tyme as thair minifters be fufficiently provyded. We farder defyre the kirks to be repared according to an aët fett forth by the Lords of the Secret Counsaill, befor your Majefties arryvall in this country: That juges be appoynted to hear the caufes of divorcement; for the kirk can no longer fustene that burthen, efpecialie becaus thair is no punifchment for the offendars: That fayers and hearers of mefs, prophaners of the sacraments, fiek as have entered into benefices be the Paipes bulles, and fiek uther transgreffors of the law maid at your Graces arryvall within this realme, may be feverely punifched; for els men will think that thair is no treuth ment in making of fiek lawes. Farther, we maift humely defyre of your Grace and Honorabill Counsaill, a refolute answer to every ane of the heades forewritten, that the fame being knawn, we may fumquhat fatiffie fiek as be grevously offended at manifett iniquity now maintyned, at opprefsioun under pretext of law done againft the pure, and at the rebellious difobedience of many wicked perfons againft Gods word and holy ordinance.

God the Father of our Lord Iesus Christ, fo reull your hairtes, and direct your Grace and Counsaills jugements by the dytament and illumination of his Holie Spirit, that ye may answer so as that your consciences may be absolved in the prefence of that rychteous Juge, the Lord Iesus; and then we doubt not bot ye yourselves shall find felicity, and this pure realme, that lang hes bene oppressed by wicked men, shall injoy tranquillitie and rest, with the trew knowledge of God.] K. C.

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And swa dissolves this Assemblie, and appointit to conveine again the xxv of December next to cum in Edinburgh.

Sic subscribitur,

JOHNE GRAY.

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A. D. M.D.LXII.

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THE Generall Assemblie of the Kirk of Scotland convenit at Edinburgh the xxv of December 1562 ; in the whilk were present the Superintendents, Ministers and Commiffionars.

The whilk day the foirnameit assembleit in the auld Counfell house. John Knox minister of Edinburgh callit upon Goddis name for the assistance of his holie spirit.

[Mr Robert Cumming schoolmaster of Arbrothe was complained upon be the Laird of Dun Superintendent of Angus and Mernes, for infecting the youth committed to his charge with idolatrie. C.]

Sessio 2<sup>a</sup>. halidin the 28 of the said month.

[According to the order takin at the last Assemblie, becaus the Superintendent of Lowthian was absent who sould first have been tryed, the Superintendent of Fife was removed, and the ministeris and commiffioneris of the said diocie who wer present for the time wer required if they or any of them had any thing to lay to his charge touching his manneris, conversation, doctrine, and executioun of his office, that they would declair it. It wes murmurit be findrie ministeris, that he wes somewhat slack in his visitatiounis, and remanit not at the kirkis for ordering such things as wer necessar for the same ; that he wes too much gevin to wordlie affairs, slack in preaching, rash in excommunicatioun, sharper nor became him in making acts for payment of small tithes.

The Superintendent of Angus wes removed next. It wes laid to his charge, that there wer manie popishe preftis, unabill and of wicked life, admitted to reading at kirkis within his diocie. 2. That some gyoung men wer rashlie admitted to the ministrie, and to be exhortaris, without such trial and examinatioun as ar required in the Book of Discipline. 3. That gentilmen of vitious lives wer chosen to be elderis in divers kirkis. 4. That

fundrie minifteris under his iurifdictioun remanit not at thair kirkis, vifit not the feik in thair extremitie, and alſua that the ȝouth is not inſtructed. 5. That ſome minifteris come ouer lait to the kirkis wher they ſould preach on the Lordis day, ſo that the peopill doe wearie ſtaying upon thaim, and incontinent the ſermon being ended, they depart. 6. That the miniſteris reſort not to the exerciſe, according to the order ſet down in the Book of Diſcipline.

The Superintendent, after he came in again, rendered up the Commiſſion he received from the Aſſembly for viſiting the North, and eſtabliſhing miniſters, elders and deacons in the kirk.

Thereafter the miniſters of Fife wer removed, and the Superintendent and Commiſſioners wer required to declair what they knew to be laid to their charge. Then the miniſters of Mernes and Angus wer removed and tryed. Then the Superintendent of Lothian, now being preſent, was removed and tryed. It was required be the Commiſſioners of Edinburgh, that he wold ſometimes preache in their Kirks, as the principall rounge within his Iurifdictioun : and others required, that he wold viſite Muſſilburgh and Stirling oftener. Thereafter the Miniſters of Lowthiane and Stirling-ſhire war removed and tried.

It was concluded, That the Superintendent ſhall cauſe preſent the names of Miniſters, Exhorters and Readers, to the Lords appointed be the Queen's Maieſtie for aſſigning of their Stipends, and that in thir preſentations be ſpecified the entrie of theſe that ar preſented, to be at Allhallowmes, Lambmes, Candlemes or Beltan, together with the yere of God, that they may receive payment at the terme after their entrie, and ſua furthe quarterlie. And if it ſhall happen that anie Miniſter, Exhorter or Reader depart at the pleaſure of God, the intrant ſhall receive payment *pro rata ſervitii* ; that the executors of the deſunct ſhall receive payment for the time he hath ſerved : And this order to be obſerved hereafter. Anent the ſuſtentation of the miniſters, exhortars and reidars within burrowes, my Lord Controller requyrit the haill comiſſioners of burrowes preſentie conveinit at this aſſembly, that they wold ſignifie unto him by word or write within ane competent ſpace, what releife they wold make to the ſuſtentation of the miniſters forſaid, in reſpect that they were befor burthened with diuerſe charges for uphalding of ſick as called themſelves miniſters in the abuſed kirk. C.]

Sessio 3<sup>a</sup> haldin the 29 of December 1562.

The kirk presentlie assemblit ordaines that inhibition falbe made to all and fundrie persons now serving in the ministrie, who hes entrit being slanderous befor in doctrine hes not satisfied the kirk. Secondlie, that hes not bein presented be the peiple or ane pairt thereof to the superintendent, and he after examination and tryall hes not appointed them to their charges, and this act to have strength as weil against them that are callit bilshops as uthers pretending to any ministrie within the kirk : [And ordaineth the same act to be promulgat be the superintendents in their diocies ; and where there ar not superintendents, be commissioners sent from the Assemblie, the copie thereof to be affixed upon the principall kirk-doores. And if anie person, after inhibition made, contemptuousslie continue in his ministrie, the Assemblie ordaines to proceed against him be censures, to excommunication, unless be his letters to the commissioners, or nixt superintendent, he give signification of his obedience, and promise to accept the same charge according as they fall command him. And in that case the Assemblie decerned, that with libertie and freedom of conscience, and also without danger of the former paine, he may continue in his ministrie till the nixt Assemblie ; at which time it is ordained, that they present themselves before the Assemblie. And that this act comprehend also exhorters and readers.

Because it is complained, That the north countrie for the most part was destitute of ministers, and that the order of the election and admission of the superintendent of Aberdeen was not putt in execution ; the Assemblie appointed Mr George Hay, Mr Johne Row and Adam Heriot, to be proponed in lites to the said kirk, and edicts to pass furth thereupon with all expedition ; and committed the charge of inauguration of the person elected, to the Superintendents of Fyfe and Angus, and suche learned men as they fall chose ; and appointed the kirk of Old Aberdeen to be the place of admission. And in case ather Mr Johne Row or Adam Heriot falbe elected to the said office, the Assemblie nominat Mr James Wilkie, Patrick Coullson and Robert Hamilton, to be proponed in lites to the kirks destitute of their ministrie.

A commission was given to Mr Johne Hepburne Minister of Brechin, to pass to Murray, and there to preach the gospell ; and if it fall chance that



he fall find anie qualified perfons apt to be minifters, exhorters or readers, that he fend them to the fuperintendent to be appointed for Aberdeen and Bamf, to be tried, and admitted to their offices refpectivé: And it was ordained this commillion fould endure till the nixt Affemblic.

David Forreft, notwithstanding he objected his owne inability, was charged by the whole Affemblic, as he wold avoide difobedience to their voices, without farther delay, to addrefse himfelf to enter in the miniftrie where he falbe appointed, feing it was knowne fufficientlie that he was able for that function. He and Mr Patrick Cockburne war proponed in lites for the Superintendenthship of Jedburgh. It was decerned, that edicts fould be fett furth for their admiffion againft the firft Lord's day of Marche nixt to come in the kirk of Jedburgh. The fuperintendent of Lowthiane, Mr Knox, and fuch other learned men as they fould choofe to affift them, war appointed to inaugurate the perfon elected.

For the planting to kirks in the Shirefdoms of Dumfries, Galloway and Nithfdaill, and the reft of the Weft Dailis, the Affemblic nominat in lites for the Superintendenthship, Mr Alexander Gordon entituled Bifhop of Galloway, and Mr Robert Pont minifter of Dunkell: Ordained edicts to be fett furth for the admiffion upon the laft Lords day of April, and appointed the Superintendent of Glasgou, Mr Knox minifter of Edinburgh, Mr Robert Hamilton minifter of Vchiltrie and Mauchlin, and other learned men, to be prefent at the inauguration of the perfon elected; the place of admiffion to be the parifh-kirk of Drumfries. In the meane tyme the Affemblic giveth commillion to Mr Alexander to admitt minifters, exhorters and readers, and to doe fuch other things as war before accuftomed in planting of kirks. C.]

Mr Archibald Keith, minifter of Logie and Balmerinoch, was difcernit be the Kirk to be tranfated fra the forfaids kirks to fick place as where his ftipend fould be more abundantlie givin him, in cafe he be not reafonable fatisfiet be the Lords appointit to modifie the minifters ftipends, provydit that he change not at his awin privat opinion; but to have therein the judgement and appointment of the Kirk, who fall give there judgement heirin or this Affemblic be diffolved.



Sessioun 4, haldin the 30 day of December 1562.

[Commillion was given to Mr Knox to goe to Jedburgh, and to take triell upon the thrid day of Januarie nixt to come, of the slander raised against Paul Methiven late minister of the said burgh; and after triell, to report to the sessioun or consistorie of the kirk of Edinburgh, to whom, with the Superintendent of Lowthiane, the Assemblie giveth power to discerne, and pronounce sentence. C.]

The kirk presentlie assemblit gives power to every superintendent within there awin bounds, in there assemblies synodall, with consent of the maist part of the elders and ministers of kirks, to translate ministers fra one kirk to another, as they shall consider the necessitie, and in lyke maner charges the minister so translated to obey the voice and comandement of the superintendent.

And ordains farther, that the superintendents appoint there Synodall Assemblies twyce in the year, to witt, in the moneths of Apryle and October, on sick dayes within the saids moneths as the superintendent shall thinke good; and that they give sufficient advertisement to the particular kirks, that the minister with ane elder or deacon may repaire toward the place appointed be the superintendents at the day that shalbe affixed be them, to consult upon the comon affaires of there diocies.

[Some ministers war appointed for particular places; Mr James Pont for my Lord Areskine, Mr James Foullis for Dunkell, Mr James Wilkie, or Mr Patrick Couston, if he be not chosen for St Johnston, for Aberdeen; Mr Robert Hamilton for Hamilton, Mr Johnne Keith to be placed by the Superintendent of Aberdeen in Buchan, Mr Robert Narne for Deir, Mr Arthure Forbese to be placed at the discretion of the Superintendent of Fyfe and Rector of St Andrews, Mr James Greg for Carict, if the Lord Areskine could be moved to consent. C.]

Sessio 5<sup>th</sup>, haldin the last of December 1562.

The Kirk gives comilloun to the Superintendents of Angus, Lowthiane, Glasgow and Fyfe, with David Forrester, to travell with the Lords of Secret Counsell to know what causes shall come in judgement to the kirk, and what ordour of execution shalbe tane therein.

[Item, To travell for abolishing of mercats holding upon the Lord's day throughout the realme. Item, Commiffion given to Mr Knox to make fupplication both by word and writt to the Queen's Majeftie, for fupport of the poore.

Notwithftanding of the nomination of fuperintendents for Aberdeen, Bamf, Jedburgh and Dumfries, made before in the thrid feflion, the Affemblic remitted farther advifement and nomination of the perfons to the Lords of Secreit Counfell, providing the days appointed for the admiffion be not altered. C.]

It is concludit that ane uniforme ordour falbe takin or keipit in the adminiftratioun of the Sacraments and folemnization of mariages and burialls of the dead, according to the Booke of Geneva.

Attour, ordains the communion to be miniftrat four tymes in the geir within burrowes, and twyfe in the geir to landwart.

[The fuperintendents war appointed to confer with the Lords of Secreit Counfell, anent the charges to be beftowed for the elements at the Lord's Supper. C.]

For fameikle as it was heavilie lamentit be the maift pairt of the minifters, that they can have no dwelling places at there kirks, becaufe the manfles are either deteinit be the perfons or vicars of the famein, or els fett in few or otherwayes to gentlemen: The Clerk Register and Juftice Clerk defyre the fuperintendents to fignifie to the Clerk of the Rentales where the faids manfles are, and in what countrey, to the effect that the faids manfles may be assignit to the Quenis G. thrid part, and therafter that the faids minifters compleinand may be flaked and helped to the famein, for there comoditie and remaining with there flocke.

Notwithftanding the proponeing and nominatioun of the fuperintendents for Aberdeen, Bamfe, Jedbrucht and Dumfreis, appointed of befoir in the thrid feflioun, and the days appointit for electioun of the famein, the hail kirk remitts farder advyſement and nomination of the perfones to the Lords of the Secreit Counfell, provydeing alwayes that the days appointed for their electioun be not prolonged.

It is ordainit, that no minifter nor others bearing office within the Kirk, take in hand to cognofce and decide in the actiouns of divorcement, except the fuperintendents, and they to whom they fall give ſpeciall commiffioun, and betwixt ſpeciall perfons.

[After invocation of the name of God made be Maifter Knox minifter of Edinburgh, the Affemblic diffolved. C.]

A. D. M.D.LXIII.

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THE Generall Assemblie of the Kirk of Scotland, conveyit and haldin at St Johnstoun, the xxv of Junij 1563. In the whilk were assemblit the Superintendents, Ministers and Comissioners of the Kirk.

Prayer is made be Master Johne Willock, Superintendent of the West. Superintendents and ministers are tryed.

[The triell of the superintendent of Fyfe was delayed till the day following, at the desire of the ministers and commissioners of Fyfe. Mr Alexander Gordon, siled Bishop of Galloway, having gotten commission before to plant ministers, exhorters, readers, and other office-bearers requisite for a reformed kirk within the bounds of Galloway, was removed to be tried. The laird of Gairlies younger complained that the said commissioner had not ministred justice to Margaret Murrey, complaining upon her husband Golfride Makculloch for none-adherence. Bot the commissioner could not satisfie the Assemblie with anie sufficient excuse. C.]

Johne Knox minister of Edinburgh, having commissioun givin to him, and certain elders and deacons of the kirk of Edinburgh, to take cognitioun of the slander raisit agains Paul Methwen, late minister at Jedbrucht, anent adulterie committed be the said Paul with ane

, his fervant, the said Mr Knox declarit the hail cause, what he had found in the foirsaid slander, viz. The said Paul to have committed the said abhominable cryme of adulterie, and therfor, with advyce of the Kirk of Edinburgh, superintendent of Lowthiane and colleagues above mentioned, had removed him fra all ministrie, and also excommunicat him; and swa having put his said commissioun to execution, rendered up the same to the General Assemblie, fra whom he received it.

Mr John Rutherford, principall of St Salvator's Colledge, complained that Mr John Balfour usurpit the ministrie at Cultis, being unqualifiet to

discharge the same; and seeing the kirk pertaint to him as principall, he offerit himselfe to minister according to the talent givin him be God. The Kirk heiring his complaint and offer, ordainit the said Mr Johne to accept the office, who in prefens of the Assenbly accepted the same.

The said day David Fergusone, minister at Dumfermling, declared in the publick assenbly, that he had spokin Paul Methven, lately excommunicat, whom he fand verie sorrowfull for his grievous offence committed be him in maner above rehearsed, and also sick repentance for the same, that he wald underly whatsoever punishment the kirk of God wald lay upon him, even if it were to lose any member of his bodie, to satisfie the same. After long reasoning of the whole Assenbly of the said repentance and offer reportit be the said minister, the Kirk condescendit that the said Paul shuld have a comfortable ansuer; and attour that they in the meane tyme shuld speake the Lords of the Privie Counsell theranent.

[Commissions war given to the bishops of Galloway, Orknay and Catnefs, for the space of a yeere, to plant kirks, &c. within their owne bounds, and that the bishop of Galloway haunt asweill the shiresdome of Wigton as the stewartie of Kirkubright, reckoned to be within his owne bounds. It was ordained lykeways, That qualified men shuld be putt in election for a superintendentship in Teviotdail, Nithisdail, Annandail and Selkirk, or that commission be given to some qualified men for the yeere nixt to come, to plant kirks in the said bounds; and in like manner to requiest the secreet counsell to provide for superintendents or commissioners to plant kirks in the south parts. C.]

Seffio 2<sup>a</sup>. haldin the 26 of June 1563.

The whilk day the Kirk pronouncit that no contract of mariage alledged to be made secretly, carnall copulation following, fall have faith in judgement in tyme coming, untill the tyme that the contractors suffer as breakers of good ordour and slanderers of the kirk; and thereafter that faith fall not be givin unto that promise, unto sick tyme as famous and unsuspected witnesss affirme the same, or els the parties confess it; and in case that probation nor confession follow not, that the saids offenders be punishit as fornicators.

Concerning the ordour of appellatioun, it is statute and ordainit, that if

any person find himselfe hurt be any sentence givin be any ministers, elders or deacons of the kirk, it falbe leifum to the partie so hurt to appeale to the superintendent of the dyocie and his synodall conventioun, within ten dayes nixt after; and the said superintendent fall take cognitioun whither it was weill appealit or not, and give his sentence therupon; and if the partie get alledges him hurt be the superintendent and his conventioun, it falbe lawfull to appeale to the Generall Assemblie of the kirk immediately thereafter following, within ten dayes as of befoir, and the said Assemblie to take cognitioun of the said appellatioun, whither it was weill appealed or not, and thereafter to pronounce sentence therintill, fra the whilk it fall not be leifum to the said pairtie to appeale, but the former sentence to have executioun according to the tenour of the samein. Item, If the appellant justifie not his appellatioun befor the superintendent and his conventioun forsaid, that he fall imput ane paine upon the said appellant, as he fall think good, above the expenses to the partie; whilk paine falbe deliverit to the deacons of the kirk where the first sentence was givin, to be distributed to the poore. And in lyke manner, the Generall Assemblie finding it evill appealit be the said partie fra the foirsaid superintendents and commillioun, fall as of befoir impute ane paine arbitrall to be distribute as said is, together with the expenses to the partie, as is above specifiet.

The Lords, Comptroller, Justice Clerk, and Clerk of Register, beand all present in the Assemblie, pronouncit to give letters gratis to all ministers requyreing the same, and cause them to be execute upon the comptrollers expenses, to charge all them that has manfles to delyver the same to the ministers, or bigge ane sufficient house to them within sick a day as the parties fall desyre, under the paine of horneing, according to the act of Parliament lately made theranent.

Ordainit that supplicatioun be made to the Queens Majestie and secreit counsell for unioun of kirks, that wher two or thrie are within two or thrie myles distant, the same to unite, and cause the inhabitants to resort to ane of the saids kirks, to heir the word and receive the sacraments; because the scarcenes of ministers permitts not every kirk to have a severall minister, and also the small number of sick parochines requyres not the samein.

Ordainit that the instructioun of youth be comittit to none within this realme, neither in universities nor without the samein, but to them that professe Chrysts true religioun now publickly preached; and that sick as now occupie the places, not professing as said is, be removed fra the

famein, and to remember that fame ordour be made for the sustentatioun of poore scholers.

[Anent the execution of the Act of Parliament touching the repairing of kirks, it is thocht necessar that letters, conforme to the said act, be delivered to the Superintendents gratis; and that everie Superintendent fall consider what kirks within his bounds need reparation or re-edifieing, and thereafter deliver the saids letters to the collectors of the thrids within the same bounds, to be executed be an officer of armes at suche kirks as falbe needfull, and the Superintendent fall think good: And thereafter the said collector fall deliver the saids letters, duellie executed, to the Superintendents foresaid, to the effect that they may, where the disobedience fall happen to be, crave remeed from the Lords of Secreit Counsell.

Commillion was given to Mr Johne Hepburn, minister of Brechin, to plant ministers, exhorters, readers, elders, deacons, and other members requisite and needfull for a reformed kirk, in Murrey, Bamf, and the countreis adjacent, and to place schoolmasters. The like commillion was given to Mr Robert Pont, to plant kirks in Inverness, and to Mr Donald Monro, to doe the like within the bounds of Ross, and to assist the bishop of Cathnes in preaching of the gospell, and planting of kirks; and these commillions war to endure onlie for a yeere.

Supplications ordained to be made to the superior powers, for constituting judges in everie province, to heare the complaints of parties, alledging adulterie to be committed be the husband or the wife, and the said judges to take cognition in the mater, and punishe according to the Act of Parliament. Item, That when anie benefice fall vaik, qualified persons may be presented to the Superintendent of the province, where the benefice vaiketh, that they may be admitted in the places destitute. Item, That where two or three kirks ar distant two or three miles, they may be united, and the inhabitants caused to resort to the said kirks, to heare the word, and receive the sacraments; becaus the rare number of ministers suffereth not everie kirk to have a severall minister, and the smalnes of the parishes require not the same. Item, For remitting the thrids, or a part thereof, to the bishops appointed be the Assemblie to be commissioners, to plant kirks within their owne bounds.

The Comptroller being present, was requested to assume and assigne to himself so much of the thrids of the benefices remitted by the Queene to the possessors, as may sufficientlie sustaine the ministrie; and to cause his



collector to intromitt therewith, and distribute the same to the ministers, as weil for times bypast as to come. The Colledges and Kirks of Universities, whose thirds are remitted, not to be heirin comprehended; which he promised to doe. The comptroller, justice clerk and clerk register being present, promised to give letters gratis to all ministers requiring the same, and cause to be executed upon the comptroller's expenses, to charge all possessors of manes to restore the same to the ministers, or to build a sufficient house to them against a fett day, as the partie fall desire, under the paine of burning. C.]

Seffio 3<sup>a</sup>, 27 of June 1563.

It is statute and ordainit that no worke be fett forth in print, neither yet published in wryte, tuiching religioun or doctrine, untill sick tyme as it falbe presentit to the superintendent of the dyocie, advyfeit and approveit be him, and be sick as he fall call of the most learned within his bounds; and if they or anie of them doubt in any point, so that they cannot resolve cleirly in the same, they fall produce the said worke to the Generall Assemblie of the kirk, wher ordour falbe tane tuiching the resolution of the said doubt.

[Commission given to the superintendent of the West, to visite Nithisdail, and plant kirks there for a yeere. To Mr Thomas Drummond, minister at Creich, and Johne Duncanfone, minister of Stirline, conjunctim et divisim, for a yere, to plant kirks in Monteith.

The superintendents of Angus and Fyfe war desired to draw the townes of Dundie and Sainct Johnstone to agreement.

The superintendent of Lowthiane, the ministers, elders and deacons of the kirks of Edinburgh, conjunctim et divisim, Mr James Makgill, clerk of register, Sir Johne Spence of Condie, the Queenes advocate, Thomas Mackcalgeane, David Borthwike, Clement Littill, Richard Strang, or anie two of them, war appointed to take cognition of Mr Magnus Halcro and Margaret Sinclairs appellatioun from the bishop of Orkneys sentence in a cause of divorce.

The Assemblie, after mature deliberation, and discussing of the articles, for the which proceses war led, and sentence given be unquhill James, bishop of Rosse, commissioner to James, archbishop of Sanct Andrews, at

Halyrudhous, the 26 of August 1534, againſt James Hammilton of Kincauell, ſhireff of Linlithgow, pronounced the ſaid articles to be good and godlie, and nawife hereticall; and ſentence given be the ſaid James, biſhop of Roſſe, commiſſioner, to have been wrangouſlie led, and given againſt the ſaid James, in pæna contumaciæ, and therefore to be caſſe and null, with all that followed thereupon, and he to be reſtored in integrum to his honour, fame, and dignitie.

The articles for which he was condemned war theſe, That umquhill Mr Patrik Hammilton died a good Chriſtian and catholick man, howbeit he was condemned as an impenitent heretick, and burnt be them; and was content to die the ſame death; that there is no purgatorie; that we ought not to pray for the deid; that man hath not free-will, as the papiffs meane; that he uſed the Lords prayer in the vulgar tongue publictlie; that he had books condemned and ſuſpected of hereſie; that he contemned and cauſed to contemne the preaching of preaching Friers, and ſo furth.

Afternoone compeired James Gibb of Carruder, one of theſe who wer ſummoned for their intereſt, to heare the ſaid articles to be approven. He proteſted whatſoever thing were done in this Aſſemblic in favours of James Hammilton of Kincauell, ſheriff of Linlithgow, ſould not be prejudiciall to him and his rights whatſoever. C.]

Seſſio 4<sup>ta</sup>. 28 of June 1563.

[Commiſſion was given to Mr Gudman miniſter at Sanct Andrews, Williame Chriſteſone miniſter at Dundie, Mr Williame Cock, Mr Williame Scott, and Mr John Douglas rector of the univerſitie, to take cognition of the complaint given in be the ſuperintendent of Fyfe, againſt Mr George Leſlie, miniſter of Strameglo, and to decide therein; and to notiſie their ſentence and decreitt to the ſuperintendent of Angus. The ſuperintendent of Fyfe had complained that he had not execute his ſummons againſt ſome perſons in Auchtermowtie, where he was alſo miniſter, and that he had not miniſtered the ſacraments ſince December laſt bypaſt. C.]

Ordaines that every ſuperintendent within his awin juridiſtioun cauſe warne the ſhyres, townes, and paroch kirks, to ſend ther comiſſioners unto the Aſſemblies in tyme comeing, declareing unto them the tyme and place;



and als that every superintendent convey the first day appointit for the Assemblie, under the paine of fourtie shillings, to be distribute to the poor without remission therof.

[Mr Knox was requested to put in order the forme and maner of excommunication. He was requested be the superintendent of Angus to visite the North, and preach the word in these countries for a season, because the preaching of the word was precious in these places. C.]

A. D. M.D.LXIII.

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THE Generall Affemblie conveyit at Edinburgh, the xxv of December 1563, in the New Tolbuith; the exhortatioun and prayer made be Johne Willock. In the whilk were present James duk of Chatelerault, Archibald erle of Argyle, James erle of Murray, James erle of Mortoun, William erle Marschell, Alexander erle of Glencarne, Williame Metland of Leithingtoun, secreitar, Sir John Wischart of Pittaro, comptroller, Sir Johne Ballantyne of Achnoull, justice clerk, Lords of the Secreit Counsell, [the Superintendents of Angus, Lowthiane, Fyfe and the West, Alexander styled Bishop of Galloway, Adam Bishop of Orkney, Ministers and Commissioners, Barons, Burgeffes and Gentlemen in a great number. The exhortation was made be Mr Willock, Superintendent of the West. C.]

Seffio 1<sup>ma</sup>, 25 of December 1563.

It was proponit be the haill Affemblie, that a moderatour fould be appointit for avoyding confusion in reafoning, but that everie brother fould speake in his awin rowme. The Lords of the Secreit Counsell, with the haill brethren of the Affemblie, appointit Mr Johne Willock, Superintendent of the West, moderator durieng this Affemblie.

Anent the queffion moveit be Johne Knox, minifter of Edinbrugh, to the haill Affemblie, whither he receivit charge of the haill kirk conveyit in Edinburgh after the beginning of the Reformation, to advertife the brethren to conveyne at what tyme any member of the kirk fould chance to be troublit, and that for the counsell to be had.

To the whilk the Lord Lindefay, lairds of Kelwood and Abbotifhall, Cunighameheid, the superintendents of Angus, Fyfe, Louthiane, West, and Galloway, Mr John Row, Mr Christiesone, Mr Robert Hamiltoun, Mr Christopher Goodman, ministers, with the most part of the whole

Assemblée, made there declarationn, that they remembrit verie weill that the said Johne Knox wald have had himselfe exonoured of the foirsaid charge, and that the kirk then presnt wald na wayes suffer him to refuse the same, but that he should continue as befor to advertise fra tyme to tyme as occasion shalbe givin.

[When the superintendents war to be tried, Mr Johne Spottiswod superintendent of Lowthiane was removed; when he was called in again, he requested the Assemblée to give him libertie to returne to his former cure, becaus he was not able to discharge so great a burthen as he was burthened with. The superintendent of Fyfe being removed, it was complained that he preached not in his visitations, bot caused the minister of the kirk to occupie the rowme. The commissioners of Fyfe desired a diett to be appointed, wherin to give in complaints against him, which was granted. The Superintendent of the West being removed, it was complained that he did not his endevoure to procure the extirpation of idolatrie in his bounds. He layed the blame upon the duke and the erle of Cassils. Farther, he desired to be disburthened of the great charge layed upon him, which he had undertaken onlie for a time, and requested the Assemblée to lay no greater burthen upon him then he was able to beare. The superintendent of Angus and Mernes being removed, it was said plainlie, that no discipline was used in manie of the kirks of Angus and Mernes: That there was no convention of elders and deacons at kirks for correction of faults; that he preached not in his visitations: That being burthened with the visitation of the north, he might not attend upon the charge allotted to him. The question, Whether superintendents ought to preache in all the kirks where they did visite, was referred to be discussed at the end of the Assemblée. C.]

Sessio 2<sup>da</sup>, 27 Dec. 1563.

[Mr John Hepburne, commissioner of the north, excused his not visiting, be reason of his great sicknes. Mr Alexander Gordon, commissioner of Galloway, being removed, the laird of Gairlies younger delated him for retaining in his house two persons, after their publict repentance for their fornication. He denied he retained the woman; and as for the man, after he had removed him for a time, knowing no offense to him, he received

him. Mr Donald Monro, commissioner of Rosse, being removed, it was complained that he was not so apt to teache as his charge required. Therefore the Assemblie ordained the superintendent of Angus, Mr Robert Hammliton, Mr John Row, Mr Robert Pont, Mr Christopher Gudman, Mr Johne Wood, and Mr Clement Littill, to take a tryell of his gift, and to report to the Assemblie. Mr Robert Pont, commissioner of Murrey, Enuerneffe, and Bamf, declared how he had travelled in these parts, but confessed his inability, in respect of the lacke of the Irish tongue, and therefore desired the Assemblie to appoint an commissioner expert in the Irish tongue. C.]

Sessio 3<sup>a</sup>. 28 December 1563.

[Mr Thomas Drummond and Johne Duncanson, commissioners for visitation of Menteith, presented their commission, and a roll who war to be continued, according to the tenor of their commission.

Complaints war made upon Robert Giblon, for saying messe everie Sabbath day in Filhwicke, maintained be the laird of Blacader; Sir Robert Achefoun, preest, for saying messe in Cranston; Johne Pillor, preest, for saying messe in the chappell of Fosse beside Dow; Robert Paterlone for saying messe at Logyraitt, and for messe daylie said in Sayfield. The Justice Clerk desired the relations to be qualified and delivered to him, and he promised to call them to particular dietts.

It was ordained, That all ministers shuld give in their supplications to the superintendent, to the effect the superintendent might present their supplications to the Lords of Secreitt Counsell, that order might be taken for payment of their stipends, speciallie where the thrids war remitted to the possessors be the Queens Majestie. Item, That supplication shuld be presented to the Secreitt Counsell, that everie minister may have his stipend assigned in the bounds where he serveth the cure. Item, That the act of Parliament anent manfes and glebes, be more speciallie condiscended upon. The nobilitie there present, and others having interest, war required to condiscend, that the poore labourers might have the tithes of the ground, which they manured for a reasonable composition ather in money or victuall, to be paid to the erles, lords, barons, or other takimien. A full answer was differred till a fuller convention: Notthelesse my Lord Dukes Grace, the erles of Argile, Murrey, Mariball, Glencairne, and

Rotheffe, the lords Areskine, Ruthven, Lindfay, and the Comptroller, there present, consented for their own parts. It was farther ordained, the superintendents shuld travell with erles, lords, barons, and other takismen within their bounds, to the same effect, and to report their answeres to the next Assemblie. C.]

The hail Assemblie heir present hes farder concludit, and finallie consentit, that for there awin part the tenents and occupiers of the ground fall have there awin teinds upon compolition.

Sess. 4<sup>th</sup>, 29 Dec. 1563.

It was thocht neidfull, for farther affirmation of the Booke of Discipline, that the Erle Marshell, Lord Ruthven, Lord Secretarie, Commendator of Kilwinning, the bishop of Orknay, Clerk Register, Justice Clerk, Mr Henrie Balnaves, David Forrest, and Mr George Buchannan, onie thrie or foure of them, overlie the said booke diligentlie, consider the contents therof, noting there judgements in wryting; and to report the same to the next Assemblie Generall of the kirk; or if ane Parliament happin to be in the meanetyme, that they report the saids judgements to the Lords of the Articles that fall chance to be chosen befor the said Parliament, [and that they beginne immediatelie after the dissolving of this Assemblie; at the least in the fext day of Januarie next to come, and thereafter continue till the said booke be throughly revised.

It was concluded, that offenders, whose offenses war published, shuld mak their publict repentance, without exception of persons; and if they refused, that after due admonitions, the censures of the kirk shuld strike upon them: And therefore it was ordained that Mr Robert Richardson shuld make his publict confession for his whoredome, and satisfie the kirk of Edinburgh.

Mr Andrew Johnstone, brother-german to umquhill Mr William Johnstone, humble required proceffe for reduction of the sentences pronounced by umquhill James archbishop of St Andrews, and his commissioners, against him and his brother, for alledged heresies, as also edicts to that effect, as effeirs. The Assemblie ordained the Superintendent of Lowthiane, with the assistance of the session of Edinburgh, to tak cognition in the premisses, to give and lead processe therein, as hath been led in the shireff of Linlithgow, Sir John Borthwick and others, for the like edicts,

and other fummons neceffarie and requifite to grant ; and after fummarie proceffe led therein, to pronounce and give finall fentence.

Johnne Baron minifter of Gaftone, complained that his wife Anne Goodacker had deferted him, and fled to England. The Affemblye ordained letters to be directed to the archbifhops of Yorke and Canterburie, in name of the Affemblye, fubfcribed be the Superintendent of Lowthiane, Mr Knox and Mr Craig minifters of Edinburgh, and the fcribe ; requesting them to be executed againft the faid Anne, that ſhe might compeir before the Superintendent of Lowthiane, and feffion of the kirk of Edinburgh, the fextie day after the citation, be herſelf, and be no procurator, to anſwere as law will ; with intimation, if ſhe compeir not, the faid ſuperintendent and feffion ſhall proceed againft her at the faid Johnes inſtance.

The Paroſhiners of Calder complained, That Mr John Spottilwood, preſented to the parſonage of Calder fifteen yeeres ſince be the laird of Calder, had been promoted three yeeres ſince to be ſuperintendent of Lowthiane, without their knowledge ; and that be reaſon of his publick office and exerciſe, he is abſtracted from his cure at the faid kirk the moſt part of the yeere ; deſired therefore, as before, to cauſe him renounce his ſuperintendentſhip, and returne to his former vocation ; or ellis to demitt the faid parſonage, to the effect ane other qualified man might be preſented, in conſideration that it is impoſſible that one man may brooke and exerce two offices in the kirk of God, bot one of them muſt be neglected ; otherwiſe we ſhall differ little frome the popiſh kirk, where one perſone had pluralitie of benefices, as in the faid complaint at lenth was contained. The Affemblye judged the former anſwere given 4 Julie 1562 fufficient. C.]

Seff. 5<sup>th</sup>. 30 Dec. 1563.

[Mr George Hay, miniſter to the privie counſell, had ſummoned certaine miniſters, exhorters and readers of the north, to compeir in this Affemblye, to anſwere for their doctrine and maners. David Rae, miniſter of Forreſt, compeired, and was admoniſhed be the brethren to obſerve a decent order and forme of doctrine, with ſuch gravitie as becometh the teachers of Gods word, and to follow the text, without inveying otherwiſe then the text ſhall require. Other miniſters, exhorters and readers, not compeiring, war ſuſpended from their offices till farther triell, to be taken be ſome ſuperintendent or commiſſioner to be ſent to theſe parts.

The commiffioners and brethren of Fyfe prefented a row, wherein war diverfe complaints given againft the fuperintendent of Fyfe: His anfwere was, That fome of thefe things layed to his charge lay not in his power to amend. The complainers war commended for there zeale in delating things worthie of redrefse, and admonifhed the fuperintendent to be diligent in preaching and execution of his office. C.]

Forfameikle as minifters, exhorters and reidars, remains not at the kirks wher ther charge lyes, but dwells in townes farre diftant fra the faids kirks, wherethrow the peiple wants the continuall confort whilk ther daylie prefence fould give be mutuall conference of the minifter with the flocke; heirfor the kirk ordaines the minifters, exhorters and reidars, having manfles to dwell in, that they make refidence at the fame, and vifite the feik as they may, and where the parochin is great, that the minifter crave the fupport at the elders and deacons, to help him in the faid vifitatioune.

Touching the buriall of the poore in every parochin to landwart, it is ordainit that a beere be made in every paroch to carrie the dead corpes to buriall, and that village or houfe wher the dead lyes, with the nixt houfe adjacent therto, or a certaine number of every houfe, fall convey the dead to the buriall, and eird it faxe foote under the eird; and that every fuperintendent within his awin bounds requyre the lairds and barrones within the fame to make ane act in ther court touching this ordour, and caufe ther officers warne ther narrest neighbours wher the dead lyes, to convey the famin to buriall as faid is, according to ther faid act; and farder, that the fuperintendents take ordour heir as occalioun fall ferve.

Becaus divers times Superintendents ordaine certaine notorious offenders to make publiet repentance in the kirk where the offence was committed, and yitt give not fignification of the fame to the minifters and elders of the congregation, wherethrough offenders may eafielie efcape the making of their repentance in due time: Therefore it was ordained, That when anie fuperintendent enjoyneth anie perfon to mak publiet repentance for anie offence deferving the fame, that he fall fignifie to the parifh where the offence hath been committed, what he ordaineth to be done be the offender, to the end the minifters, elders and deacons of that congregation may notifie again to the fuperintendent whether the faid offender obeyed the fuperintendents ordinance or not, that order may be taken with him in cafe of difobedience.



Seff. 6<sup>th</sup>, the last of Dec. 1563.

[Foure women war delated for witchcraft be the superintendents of Fyfe and Galloway. The Lords of Privie Counsell war requested to take order therein. The complainers war ordained to give in their informations. It was ordained, That everie superintendent within his bounds fould cause a collection to be made for sex brethren taken at Rowan, and detained in the galeys for want of ranfom. The erle of Glencarne was requested to concurre with the Superintendent of the West to visite the hospitall of Glasgow, and consider how the revenues pertaining to the same ar bestow-ed or possessed, that order may be taken for support of the poore; and that they report the same to the Lords of Privie Counsell and to the Assemblie.

Commissions war renewed for a yeere to Mr Robert Pont, to plant kirks from Nefse to Spey; to Mr John Hepburn, minister at Brechin, to plant kirks in Bamf, from Spey to Aithan, comprehending Strabogie land; to Mr Patrick Coufston, minister at Seres, to plant kirks from Dee to Aithan. Mr Robert Pont accepted of the commission, bot with provision that he fould not be burthened with the kirks speaking the Irish tongue in the saids bounds.

Robert Ramsay was accused for entering in the ministrie within the Superintendent of Angus his bounds, without election or his admiffion, and that he had affirmed there was a mid-way betwixt papistrie and our religion; that he had borrowed some money from the town of Ennerneffe upon caution, alledging that he wald buy bookes with the same, bot did not returne nor pay the summe: He was suspended from his ministrie till farther triell war taken. Commission was given to the Superintendent of Fyfe to try him, and he ordained to compeir the 19 of Januarie at Sanct Andrews. C.]

Anent the determination of the kirk, touching Thomas Duncansone, schoolemafter and reidar in Striveling, who had committed fornication, and thereafter had made publick repentance, whither he fould be restored to his office in the kirk or not after his publick repentance, it was ordainit, That he fould abstaine fra the said office, untill sick tyme as the kirk of Striveling made request to the Superintendent for him, and that he fould present the said sute or request in the next Generall Assemblie. Attour,



if the woman was a maiden with whom he had comitted the said fornication, that he fall marie her if lho requyre the samein, in part of satisfactioun to the kirk.

Tuiching the queſtion proponit be the Superintendent of Fyfe, anent Alexander Jarden, miniſter of Kilſpindie, Incheſture, and Rait, wha had committed fornication with a virgine, and therafter had married her, and ſatiffiet the kirk, whither he ſould be admittit againe to the miniſtrie or not; the kirk ſuſpends the ſaid Alexander fra all functionn of the miniſtrie within the kirk whill the nixt Affembly, and then to receive anſuer.

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A. D. M.D.LXIV.

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THE General Affemblie haldin at Edinburgh the 25 of Junij 1564, haldin and begun in the Neither Tolbuith at 4 houres afternoone; exhortatioun and prayer made be Mr Johne Knox, minifter at Edinburgh. In the whilk were conveyit the Superintendents, Minifters, and Commiffioners of provinces and of kirks.

Seff. 2<sup>a</sup>. 26 Junij 1564.

The haill Affemblie continewit Mr Willock, moderator of this Affemblie.

[The Erle of Glencarne and the Superintendent of the Weft war inquired, what they had done in the vifiting of the hofpitall of Glaſgow. The Superintendent of the Weft answered, He did nothing, for laike of conference with the Erle of Glencarne, but promiſed to viſite betwixt and the nixt Affemblie, providing the Lords of the Privie Counfell give letters according to the ordinance of the Affemblie. C.]

The Affemblie requeiſtit Mr Robert Montgomerie, miniſter at Cowper, to ſupport every other Sonday the kirk of Largo whill farther proviſioun be made; and ordainit the ſuperintendent of Fyfe to labour with the towne of Couper for licence to the ſaid Mr Robert for the purpoſe forſaid, and to take ordour with the ſchoolemaſter of Couper to reid and exhort in the kirk of Couper.

[The Laird of Lundie and the Superintendent of Lowthiane war appointed to requeſt the Lords of Seeret Counfell to aſſiſt the Affemblie with their preſence and counfell. C.]

Sess. 3<sup>a</sup>, 27 Junij 1564.

[At the requiest of the Erle of Menteith, craving some minister understanding the Irish tongue for Menteith, Johne Ure, minister of Leuchars, was transplanted, and appointed minister there. C.]

Sess. 4<sup>a</sup>, 28 Junij 1564.

The haill Assemblie made, constitute, and ordainit thir commissioners underwriten : For Fyffe, the Laird of Lundie and Thomas Scott of Abottif-hall ; for Louthiane, the Lairds of Spot and Elphingstoun ; for the West Land, the Lairds of Carnall, Carse, and Kelwood ; for the Southland, the Lairds of Wedderburne and Andro Ker of Faudonfyde ; for Galloway, the Laird of Gairles younger and Mo . . . , with Mr George Gordoun ; for Angus, the Provost of Dundie ; and for the Northland, the Laird of Craig ; that they fall altogether repaire towards the Lords of Secreit Counsell, and ther present the articles underwriten, pertenaund to reformatioun of maners, punishment of certaine crymes, maintaining of justice, and others concerning the univerfall kirk of this realme ; and to reason thereupon with the faids Lords, and report the answers theruntil to this present Assemblie.

#### TENOUR OF THE ARTICLES.

Firft, that it is thocht good, and als weill conforme to the Acts of Parliament, immediatelie befor the Queens Majesties arrivall, permittit as her Hienes awin ordinance, with consent of the nobilitie decreit and appointit after her Graces arrivall, Chrysts religioun be *de novo* establisshed, ratified and approved throughout the whole realme ; and that all idolatrie, especiall the melle, be abolisshed over all wher, so that no uther face of religioun be permittit or thoild to be erected.

And for this effect, that the ministers be provydit decentlie with ane assurit appointment, where they fall receive ther livings asweill by gane as to come, and not to live as beggars as presentlie they doe.

And in lyke manner, to desyre, and with all humilitie to requyre, that the transgressours agains the ordinances, asweill from tymes past as from

this tyme fourth, be punished according to the faids lawes and ordinances, and especially agains them contemnes and comitts inobedience agains the faid lawes in Aberdeen and the Carfe of Gowrie, in Seafield, and in fundrie uther places, as falbe specifiet.

After the fairfaids articles were notified and declared to my Lords the Erles of Murray, Argyle, Glencarne, and to my Lord Secretar, being presnt and send be the Queens Hienes to the Assemblie, to know what things was proponit therin, thocht the faids articles as they were conceivit not so convenient to be proponed as appertained; and therfor thocht it meit to collect twa heids therof, whilk they themselves wald propone to the Queens Majestie, whilk heads followes.

And first, they wold declare to her the good mynds and obedience of them there assemblit.

And as tuiching the estate of religioun, feing it tuichit the faids Lords most speciallie being members of the faid kirk, they wald labour at her Graces hands that the same might be observit according to the ordour establisht at her Hienes arrivell, and doubtit not to obtaine sikk gentle anfuier and aggriment of her Majestie in that behalfe as might satisfie the faid Assemblie.

The other heid tuiching the sustentatioun of the ministers, the faids Lords in lyke maner promised to labour at her Hienes hands that they might have appointment of the faids stipends, and hoped to adresse her Hienes so that they could be reasonablie satisfiet of ther desyre in that point.

Thereafter the faids Lords declarit how they had proponit the faids heids to the Queens Majestie, and how they were not only accepted be her Hienes in good part, but als gentlie anfuierit and accordit to the performance therof; and therfor the faids Lords promised in her Majesties name to the haill Assemblie the accomplishment of the faids desyres, of the whilk they were not in any wayes to doubt; for if they had been surely perswadit in their awin hearts that her Hienes had meant utherwayes nor they had declared, her Grace could have found uther messingers than they to have thawin the same in her Hienes name. Whilk being be them declared, the haill number presnt first thanked God, and her Majestie, that ther reasonable desyres were so generallie anwerit; and for recognosceing of ther awin duetie, desyreit the faids Lords reciprocally to promise to her Majestie in ther behalfe all dutifull obedience, love and submissioun, whilk

can be lookit for be any Chriſtian Prince, of moſt faithful, humble and loving ſubjects; promiſeing therewithall if any of ther number ſould happin to forget the duetie of a good ſubject offending her Majeſties lawes, that they all aſaldlie wald concurre to the punition of the offendour according to the qualitie of the treſpas, as they ſould be comandit.

Anent the ſatiſfying of pure labourers of the ground againſt the unmerciful exactionn of ther teinds, John Maxwell Terregleis Knycht friely promiſeit that what tyme the ſuperintendent of the weſt ſould reſort toward the parts wher he has any teinds, and ſould chooſe unto himſelf ſax, ſevin or aucht of the moſt wiſe and diſcreit perſons within the ſaids bounds wher he hes the ſaids teynds, and whatſoever the ſaid ſuperintendent and honeſt perſons ſould advyſe him to doe, allweill tuiching the intromiſſion as prices of teynds, he promiſes to fulfil the ſame, ſo that the poore labourers ſould feile at his hands eaſe and ſupport within his rounes.

In like manner my Lord of Murray was content, and for his teynds within Fyfe nameit the Laird of Lundie, that ſhall modifie either money or victualls.

Alſo Alexander Biſhop of Galloway promiſed to doe how ſoone the take of his teynds comes in his awin hand and bees run out.

The Erle of Monteith, my Lords Lindeſay and Ochiltrie, my Lord Secretarie, the Superintendent of Fyfe, the gentillmen in the weſt, and among them, the Laird of Kars, and the goodman of Loathein, all of ther awin frie will promiſed to doe according as the ſaid Maſter of Maxwell had promiſed.

Tuiching the act of Parliament anent the gleib and manſſes, the hail Affemblie requere Mr James M'Gill Clerk Regiſter to extract the ſamein and ſubſcryve it, to the effect it may be produceit before the Lords of the Secret Counſell the morne, or how ſoone guidlie he may doe the ſamein, that ordour may be tane theranent for the ludging of the Miniſters.

[The Superintendent of Angus, the Abbot of Culros, Mr Johne Spence of Condie Advocat, Mr George Buchanan, and Mr Robert Pont, war appointed to goe apart, and conſider whether it were more expedient that Mr Andrew Simſon ſould remain Miniſter at Dunning and Cargill, or be removed to Dunbar, according to his own promiſe made to Dunbar. It was decerned be them that he ſould be removed. C.]

Sess. 5<sup>th</sup>, penult. Junij 1564.

Anent the causes of the whole Kirk and jurisdiction therof, the Assemblie appointed thir persons underwritten; to wit, The Laird of Dun Superintendent of Angus and Mernes, Mr John Wyrhame Superintendent of Fyfe, Mr John Spotiswoode Superintendent of Lowthiane, and Mr John Willock Superintendent of the West, with the assistance of Mr John Row, George Hey, Robert Pont, Christopher Guidman, Thomas Drummond, Johne Knox, Johne Craig, Johne Rutherford, George Buchanan, Robert Hamiltoun, Clement Little, the Lairds of Lundie, Elphinstoun, Carnell, Kers, and Thomas Scott of Abottillhall, and ordained thir foirnamed persons to conveye the morne after the fermoun, and to reason and confer anent the faids causes and jurisdiction pertaining to the Kirk, and to report ther opinions againe to the next conventioun.

Anent the question moved, whither a minister anes lawfullie placed at a kirk, may leave his ministrie at the said kirk and passe to another at his awin pleasure; it was concludit be the haill Assemblie, that he may na wayes leave the congregation being anes placed, without knowledge of the floke, his superintendent or haill kirk, and that the cause why he wald leave that kirk be considerit be the Superintendent or haill kirk, whither it be lawfull or not.

The haill Assemblie in ane voyce choose James M<sup>c</sup>Kaitney to be Solicitor for the [actions of the Kirk to be pleaded before the Lords of Secret Counsell or Session; to proceed with advice and counsell of Mr Thomas Makcalzeane, David Borthwick, and Richard Strong, Advocates. C.]

Beaus Mr Alexander Jarden minister of Inchture, Kilspindie and Rait, was in the last Assemblie suspendit from all function of office within the Kirk, for causes conteinit in the Second Session of the last Assemblie, to this conventioun, when he sould receive ansuer, whither he sould returne to his office or not; the haill Kirk, in consideration of his marriage and publick satisfactioun wher the offence was committed, ordainit to make humble requeist to my Lord of Murray to be content that the said Mr Alexander sould be received againe to his ministrie in respect of the premisses, and thereafter that the Superintendent of Fyffe sould restore him againe to his ministrie as of befor.

Anent the requieft of Mr Patrick Conftance minifter of Cyres, defyreing the licence to paffe to France and uther countreyes, for augmenting of his knowledge, for a tyme, the haille Affembly in ane voyce diffentit therfra, and ordainit that he fould not paffe out of this country, nor yet leave his congregation wher he travells, without fpecial licence of the haille Kirk, if they fall heirafter think it expedient or neceffarie.

[It was appointed that a Request fould be prefented to the Queen, for obtaining the gift of the Friers Kirk of Kirkubright, to be holden hereafter the Parifh Kirk of Kirkubright. C.]

Seff. 6<sup>a</sup>. ult. Junij 1564.

[Mr Donald Monro his Commiffion to plant kirks within Roffe was continued for a yeere. Commiffion was given to Mr Knox to vifit the North, and to remaine there fix or feven weeks, becaus the North Parts war deftitute of Superintendents or Commiffioners, for vifiting of their kirks, and overfeeing of minifters, exhorters and readers already placed.

Mr George Hay Minifter to the Secreit Counfell was appointed to vifite the kirks of Renfrew, and to remaine there twentie dayes. Mr Craig was ordained to vifite the South parts for a moneth; and Mr Gudman Minifter at Sanct Andrews to teache in his abfence at Edinburgh. C.]

Forfameikle as it was complainit be the Commiffioner of Murray upon William Sutherland, perfon and exhorter at the kirk of Moy, that he had not only difobeyit his charge commanding him to marie the woman with whom he befor had committit fornication, but alfo had, in defpyte of the faid commiffioner, ryven his letters of charge therto, and had not obeyit his fumounds chargeing him to compeir to this Generall Affembly: In confideratioun of this difpytefull ryving of the Commiffioners letters, and alfo not compeiring to this Affembly, the Kirk depryves him fra all ecclefiaftical funtion, and alfo ordaines the censure of the kirk to proceed agains him for his contempt.

[It was ordained that the Superintendent of Lowthiane fould proceed to censures againft Mr Patrick Cockburne, minifter at Haddingtoun, in cafe he reforted not to the General and Synodall Affemblies. C.]



A. D. M.D.LXIV.

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THE Generall Assemblie of the Kirk gatherit and conveyit at Edinburgh the 25 of December 1564, haldin in the Over Tolbuith therof: In the whilk wer the Superintendents and Ministers present, with the Comissioners of Shyres and particular Kirks; the exhortation being made be Johne Knox, minister of Edinburgh.

For eschewing of confusioun, and that every brother shuld speake in his awin rowme with modestie, it was thocht good that ane moderator shuld be appointed, and swa with full consent of all the brethren present, was John Erskine of Dum, Superintendent of Angus and Mernes, appointed to be moderator for this Assemblie, who acceptit the office upon him.

Ordainit that no question be proponit be any brother unto the tyme the affaires of the kirk and ordour therof be first treatit and endit; and thereafter if any brother have a question worthie to be proponit, that the samein be put in wryte and presentit; and if the samein requyres hastie resolution, it falbe deeydit in this present Assemblie, before the end therof, utherways the decision of the samein falbe referrit to every ane of the Superintendents within whose bounds the question is proponed, and they and every ane of them, with ane certain number of the ministers as they fall think meit to appoint for assisting to heir the reasoning of the saids questions, and thereafter ther reasons to be put in wryte, affirmative or negative, whilk every ane of them fall report to the nixt Assemblie.

[William Wallace of Carnall, and Andrew Ker of Fadownside, war sent to the Lords of Secreit Counsell, to requesit their honours to assist the Assemblie with their presence and counsell.

When the Superintendents of Lowthiane and Angus, the Commissioners of Galloway and Orknay, war removed to be tried, it was proponed be some of the brethren, that the Commissioners of Galloway and Orknay shuld be demanded, whether in their consciences they judged that they might both dewlie use the office of a Superintendent and the office of a Lord of the



Session and Colledge of Justice. The Superintendent of Fyfe was challenged for slackness in visitation of his kirks. He alledged age, evill payment of his stipend, and a great number of kirks within his bounds, as excuses : howbeit otherwise he was diligent. C.]

The same day the haill Assemblie caunit to present to the Lords of Secreit Counsell the heids and articles following, and requyrit ther honours to obtaine ansuer therof at the Queens Grace, and to signifie unto them her Majesties pleasure therintill.

#### TENOUR OF THE ARTICLES.

I. The haill Assemblie requyres humble there honours to signifie to the Queens Majestie, that the transgressours of the proclamatiouns past against the heirars and sayers of messe, together with the abusers of the Sacraments, are now so common, that it may be greatlie feared that judgements fall suddenly follow, except remeid be provydit in tyme.

II. To requyre payment to ministers of there stipends for the tyme by past, according to the promise made, and to let the Assemblie know how the ministers salbe sustained in tyme to come.

III. To requyre Superintendents to be placed wher none are within this realme, viz. in the Mers, Tevedaill, Forrell, Tweddall, and the rest of the deales in the South not provydit; with Aberdeine, and the uther parts in the North, lykewayes destitute.

IV. To requyre punishment of sick as hes steiked the doores of the paroch kirks, and will not oppin the samein to preachers that presentit themselves to have preachit the word, sick as Paisly, Aberdein, and Curry, Duplin, and Aberdagie.

V. Humble to requyre of the Queens Majestie, what the kirk fall looke for, tuiching provision of benefices vaikand and to vaik.

VI. To crave ane resolutioun and declaratioun of the mannes and gleibs, whither they be sett in few or not, and be what means the ministers fall come to the use and possessioun therof.

VII. The actis tuiching the reparatioun of the kirks to be put to executioun.

The ansuer of every ane of the particulars the Generall Assemblie humble requyres.

Seff. 2<sup>da</sup>, haldin the 26 of December 1564.

[It was ordained, That the same perſones who war nominat for election to the ſuperintendentſhip of Aberdeen, December 1562, ſould now againe be putt in leitts : That Edicts be ſerved, and the perſon choſen be inaugurat in the New Kirk of Aberdeen the ſecond Sunday of Marche next to come ; and that the Superintendents of Angus and Fyfe, with ſuch miniſters as they ſould chooſe, be preſent at the ſaid Inauguration.

Becaus it was murmured, that manie ignorant men, and of bad converſation, war admitted to be Miniſters, Exhorters and Readers ; it was ordained, that the Superintendent of Angus ſould viſite the kirks in Nithſdaill, Galloway, Carriët, Kyle, Cunninghame and Cliddſdaill ; the Superintendent of Lowthiane, the kirks of Angus and Merns ; the Superintendent of the Weſt, the kirks of Lowthiane, Merce and Teviotdaill ; Mr Knox, the kirks of Fyfe, Stratherne, Gowrie and Menteith ; and try Miniſters, Exhorters and Readers, everie one within the forſaid bounds, reſpectivè, to ſuſpend for a tyme, or depoſe for anie cryme, or ignorance and inabilitye, as they ſhall find them guiltie or unable ; and for that purpoſe that commiſſions be given to everie one of the ſaid viſitors, and that they report their diligence to the next Aſſembly in writ.

It was ordained, that everie Miniſter, Exhorter and Reader, ſhall have one of the Pſalme Bookes latelie printed in Edinburgh, and uſe the order contained therein in Prayers, Marriage, and miniſtration of the Sacraments. C.]

Anent ane ſupplicatioun preſentit be Beatrix Livingſtoun, touching ane promiſe made to her be Patrick Hardie, to have ſolemnizat the band of matrimonie with her a long time ſince, his wyfe Kathrine Rutherford being on lyfe, and no divorcement paſt betuixt them ; bearing alſo and make mention of ane decreit and deciſioun of the ſaids premiſſes, and nullitie therof, given and pronouncit be John Erſkine of Dun, Alexander Guthrie of Halkertounne, Robert Campbell of Kingeancleugh, and Mr Robert Hamilton ; for verification wherof the ſaid Beatrix producit the ſaid decreit ſubſcryved by the forſaids perſones in preſence of John Willock Superintendent of the Weſt, Chriſtopher Guidman, and Mr George Hay, of the dait at Edinburgh the 1 day of July 1563, bearing in effect, that the ſaid promiſe made be the ſaid Patrick to the ſaid Beatrix on na way might be

justainit be the law of the Evangell, and therefor the said Patrick to be quyte therfra in all tyme comeing, in respect of the mariage standing betuixt him and his wyfe forsaide indissolvit; and that the said promise was not only null in the selfe, but also unjust and unlawfull, and that the makers thereof had offendit and was worthie of punishment at the discretion of the Kirk. Whilk supplicatioun being red and considerit, the haill Assemblie in ane voyce authorized and allowed the said decreit pronouncit be the said brethren, and also pronouncit the said Patrick and Beatrix to be free fra the said pretendit promise in time comeing, requyreing [referring?] that punishment for making of the said promise heirafter to the kirk and discretioun thereof.

Seff. 3<sup>a</sup>. 27 December 1564.

Anent the supplicatioun presentit to the Assemblie in name of Paul Methven, and tuiching diverse petitions therein conteinit, wherewith the Assemblie being rypelie advyseit, and after long reasoning had therein, with mature deliberation gave ther answers as follows.

Anent his receiving to repentance &c. the haill Assemblie with ane voyce are content to receive the said Paul to repentance, alwayes presentand himselfe personalie befor them, declaring evident signes of unfained repentance, willing to obey sick injunctiouns as the kirk shall please to appoint him to doe and fulfill.

Tuiching his desire to delete his proces out of there bookes, thereto the Kirk can na wayes condiscend, neither think they that sick a petitioun can proceid of the Holie Ghost, seing David a notable servant of God eschewed not to write his awin offence to Gods glorie and his awin consufioun.

Anent his admissioun to the ministrie within the realme, that was thocht no wayes sufferable unto sick tyme as the memorie of his former impietie be more deiply buried, and some notable kirks within this realme make earnest request for his new acceptatioun. In lyke maner the Kirke signifies unto him, that his entrie in the ministrie in the parts of England, he being excommunicat and unreconciled, hes greivoullie offendit them; as also the last part of his wryting, wher he accuses fallse witnesses, wha hes deponit no other thing in effect nor he hes confessed with his mouth in write. Farther the Assemblie requyrit the brethren to whom the said Paul

writes, that amongs uthers ther ensuers they signifie unto him, that he may safelie repaire toward this realme, notwithstanding th'act latelie proclaimed agains adulterers.

[Mr Andrew Johnstone complaining, that the judges deputed to tak cognition of the articles for which his brother Mr William was condemned be the Popish bishops, wold not proceed to declaration, whether the said articles war repugnant to the holie Scripture: The Assemblie decerned the articles not to be hereticall, so that a godlie interpretation be admitted in everie one of them; therefore ordained the judges to proceed to the finall decision of the said action.

Full commission was given to the superintendent of Fyfe, the bishop of Galloway, Mr John Row, Mr Christopher Gudman, to tak cognition of the mutuall complaints of the provest and bailiffes of Coupar, upon Mr Robert Montgomrie their minister, and of his upon them, and to decide therein; and that their decreit be in readines to be shewed to the visitor-depute for Fyfe, when he shall come in those parts. C.]

Tuiching sicker as are relapse the thrid tyme in any kind of crymes, sicker as fornication or drunkenness, it is statute and ordainit that no particular minister admitt sicker persones to public repentance, but to send them to the superintendent of the dyocie wher the crymes are committed, with information therof, wha sall give them sicker injunctiouns as they think may make the offences to be baldin in horror; but chieflie that they compell the offender to satisfie the kirks wher the offences was made moe dayes nor ane, as the said superintendent sall thinke good.

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A. D. M.D.LXV.

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THE Generall Assemblie conveyit at Edinburgh, in the Nether Tolbuith therof, the 25 day of Junij 1565. In the whilk were present the Superintendents, Ministers, and Commissioners of Shyres and Kirks. The invocatioun of the name of God being made by Johne Willock, Superintendent of the West.

First, For eschewing of confusione in reasoning, the whole brethren present with ane consent chuse John Willock, Superintendent of the West, to be moderator, who accepted the office.

[It was ordained, if anie superintendent had anie thing to lay to the charge of anie minister, exhorter or reader within his bounds, that he present the same in writt this day and the morne; and sicklyke, if anie person had anie thing to lay to the charge of anie superintendent.

The Superintendent of Lowthiane and Mr Knox gave account of their visitations, according to the commissioun given to them in the Assemblie immediatlie preceeding. The Superintendents of Angus and of the West alleged lawfull impediments which occurred since the last Assemblie; they wer ordained to putt in execution their commissiouns against October.

Mr Johne Frude, minister of Dummennie, and Patrik Craigh, minister of Ratho, being complained upon for not repairing to Linlithgow, to the exercise of prophesying, excused themselves with want of charges, be reason their stipends were not duellie payed unto them. Mr Patrik Cockburn being complained upon for obstinat refusing to come to the Synodall and Generall Assemblies, it was ordained that he fould be summoned to compeir upon Wednesdai. The Superintendent of Fyfe complained, that the kirk of Kilmanie, pertaining as a common kirk of

Sanct Salvators Colledge in Sanct Andrews, wanted a preacher; Mr John Rutherfurde, proveſt, and William Ramſay, one of the maſters of the ſaid colledge, war content to ſtand to the deciſion of the Superintendent of Angus, the Superintendent of Fyfe, Chriſtopher Gudman and Mr George Buchanan.

The parochiners of Tinninghame complained, that they payed their tithes to the new colledge in Sanct Andrews, and wanted not the leſſe the miniſtrie of the word and miniſtration of the ſacraments: The rector of the univerſitie, and Mr John Douglaſſe, maſter of the ſaid colledge, promiſed to ſatiſſie the complainers. The Superintendent of Fyfe complained upon William Heriot, reader in Monyvaird, for removing to Strathardail without licence obtained be him or the parochiners: The Affemblie ordained the Act made Junij 1564 to be putt in execution. The parochiners of Kilconquhar complained upon Mr Alexander Spence, miniſter, for not miniſtring the communion theſe fix years bypaſt: The Superintendent of Fyfe and Chriſtopher Gudman were appointed to have a care that the communion ſould be miniſtered in the ſaid kirk before Candlemas next to come. C.]

Seſſio 2<sup>da</sup>, haldin the 26 of Junij 1565.

The hail kirk preſent for the tyme humble requyreit the nobilitie preſent to be humble ſuters at her Hienes for the executioun of the law and actis latelie made agains violaters of the Sabbath day, committers of adulterie and fornicatioun, and deſyred every ſuperintendent to ſute for comiſſions to judges within their juriſdictiouns, giveand power to them to execute puniſhment agains the comitters of the ſaids crymes, according to the tenour of the ſaids lawes and actis. And in lyke manner to requieſt her Hienes to cauſe thankfull payment be made of the miniſters ſtipends throughout all this realme. As alſo to complaine to her Grace, that wher of befor the kirk of [Commonnell, C.] in Carrick was allignit for payment of the miniſters ſtipends in Kyle and Carrick, is now givin be her Hienes to the zong Laird of Skeldoun; and in lykemaner the parochiners of Dalry ſhew that the lands of the kirk was allignit to the miniſters of the parochin, and now was givin to the Lord Provand, and to underſtand her Grace will heiranent.

Ordaines for ordouring the articles to be sent to the Queens Majestie, Johne Erskine of Dun Superintendent of Angus and Mernes, Johne Willock Superintendent of the West, Christopher Gudman minister of St Androes, and Mr Johne Row minister of St Johnstoun, to conveye after xi houres, and sett them forth and present them to the Assemblie this day afternoone; whilk ordinance the saids persones obeyit, and presentit the articles to the Assemblie.

#### TENOR OF THE ARTICLES.

Imprimis, That the papisticall and blasphemous messe, with all papistrie, and idolatrie, and popes jurisdictiones, be universallie suppressed and abolished through the hail realme, not only in the subiects, but also in the Queens Majesties awin person, with punishment agains all persons that falbe deprehendit to offend and transgress the same; and that the sincere word of God and his true religion now presentlie receivit might be established, approved, and ratified throughout the whole realme, allweill in the Queens Majesties awin person as in the subiects, without any impediment, and that the peiple be astricted to resort upon the Sondayes at least unto the prayers and preaching of Gods word, lykeas they were astricted befor to resort to the idolatrous messe; and thir heids to be provydit be act of Parliament with consent of the estates, and ratification of the Queens Majestie.

Secondlie, that sure provisioun be made for sustentation of the ministers, as weill for the tyme present as for the tyme to come; and that such persones as are presentlie admitted to the ministrie may have there livings assignit to them in the rowmes wher they travell, or at the least nixt adjacent therto, and that they have no occasioun to crave the same at the hands of any uthers; and that the benefices now vaikand or hes vaikit since the moneth of Marche 1558, or that heirafter fall happin to vaike, be disposed to qualified and learned persones, able to preach Gods word, and discharge the vocation concerning the ministrie, be the tryall and admision of the superintendents; and that no bishoprick, abbacie, pryorie, deanrie, provestrie, or any uther benefices havand many kirks annexit therto, be disponit altogether in any time coming to any one man, bot at the least



the kirks therof be severallie disponit and to severall persons, swa that every man having charge may serve at his awin kirk according to his vocation; and to this effect that the gleibs and manſſes be givin to the ministers, that they may make residence at ther kirks, wherthrow they may discharge ther conscience conforme to ther vocation; and also that the kirks may be repaired accordingly, and that ane law may be made and established heirin be Act of Parliament as said is.

Thridlie, That none be permittit to have charge of schooles, colledges or univerſities, or get privatlie or publicklye to instruct the youth, but such as false tryed be the superintendents or visitors of the church, found found and abill in doctrine, and admittit be them to ther charges.

Fourthlie, For sustentation of the poore, that all lands foundit to hospitalitie of old be restored againe to the same use, and that all lands, annuall-rents or any uther emoluments, pertaining anywayes sometyne to the freirs of whatſumever ordour, or annuall-rents, altarages, obits pertaining to preſts, be applyit to the sustentation of the poore, and uphald of the schooles in the townes and uthers places wher they lie.

Fyftlie, That ſick horrible crymes as now abounds in the realme, without any correction, to the great contempt of God and his holie word, ſick as idolatrie, blaſpheming of Gods name, manifeſt breaking of the Sabbath day, witchcraft, forcerie and enchantment, adulterie, inceſt, manifeſt whooredome, maintenance of bordellis, murther, ſlaughter, reife and ſpuilzie, with many uther detestabill crymes, may be ſeverely puniſhed; and judges appointit in every province or dyocie for the execution therof, with power to doe the same, and that be Act of Parliament.

Laſtly, That ſome ordour be devyſit and established for the ease of the poore labourers of the ground, concerning the unreaſonable payment of ther teyndes, tane over ther heids without ther advyſe and conſent.

[Walter Lundie of that Ilk, William Cunninghame of Cunninghameheid, William Durham of Grange, George Hume of Spott, James Baron burgess of Edinburgh, war appointed to preſent theſe articles to her Majeſteſſe, and to report ane anſwere before the diſſolving of the Aſſembly, if they may conveniently; if not, to the ſeſſion of Edinburgh, that they may ſignifie the ſamen to the ſuperintendents.

Adam, Biſhop of Orkney, Meſſrs Johne Craig, Chriſtopher Gudman, Johne Row, George Buchanan, and Robert Pont, were ordained to convene and ſit from ſex till eight in the morning, to decide queſtions pro-



poned or to be proponed, and to report their decision to the Assemblée, that the samen may be insert in the register.

The Commisioners appointed to trie the qualification of Johne Lynd minister at Irving, reported that he was insufficient for the charge in that place.

Becaus fundrie ministers complaining of none payment of their stipend desired libertie to remove, and passe to suche places destitute of the word, where they might be reasonablie sustained be the godlie ; it was statute and ordained, That no minister, exhorter or reader placed presentlie at anie kirk, fall attempt to remove himself till answere be received againe from the Queens Majestie to the articles directed to her ; and that thereafter none remove himself without the advice of the superintendent of his diocie, and his licence in writt, under paine of deprivation from his office. C.]

The same day the Lairds of Carnell, Sornbeg and Dreghorne, requesting humble for support of a ministrie for the kirks of Rickartoun and Dundonnald in Kyle, promisit of their awin friewill that they shuld provyde stipends sufficient according as the Kirk wald appoint, and that they shuld not remove from ther kirks for seiking payment of the same ; whilk request of thers the hail Kirk praisit, and promisit satisfioun of their godlie desire.

Sessio 3<sup>a</sup>, 27 Junij 1565.

Anent the question proponit, whither children may contract marriage and marie without consent of ther parents ; and in special whither the promise made betuixt Robert Paterfone and Jenat Little, without the consent of her parents, may stand ; it is found that the said Robert and Jenat hes not orderlie procedit in the said promise, in sa farre as they neither obtainit the consent of the parents, nor get the lawfull ordour, repairit to the Kirk of God to lament that cause, and seik the ordinarie meane thairat be the Word of God appointit ; and therefore the comissioners appointit by the Kirk for the decisioun of questiouns, decernis they have not lawfullie procedit in making the said promise of mariage ; and they shuld of duetie thus have procedit, first, to requyre the consent of the parents, whilk being refusit, then to make ther sute unto the kirk, to concurre with them in ther lawfull proceedings according to the ordour observit in Gods word ; and for the offence and unlawfull proceeding by past to make satisfioun

to the Kirk, as they falbe appointit thereto. And heirupon ane generall ordour to be sett foorth, as the General Assemblie shall think good, to be observed in all particular kirks in all tyme comeing. This was subscribed by the Commissioners underwritten : Messrs. John Dowglas rector of the Universitie of St. Androes, Christopher Gudman, George Buchanan, John Craig minister, John Row, Robert Pont.

Ane uther questioun, whither if a learned man having a benefice givin in Papistrie, or lately sen the word hes bein preached in this realme, may leave the parochin wher he is person, destitute of preaching of the word, and enter minister to serve in another place for larger stipend. The foirsaid commissioners concludit, as followes : It is thought aggrievable to the word of God, that no faithfull preacher of Gods Word may enjoy ane benefice or living pertaining to the Kirk, except he remaine at the said Kirk to discharge his office for the whilk he receivit the said benefice : And that if he be transported be the kirk or superintendent to any uther place, whereby he may not discharge his duetie in baith, that he be depryvit of the ane, and it be to be bestowed upon another ; provyding allwayes the foirsaid person be sufficiently answerit of his stipend.

Ane other questioun, whither if a man abusing his coulignes, his fathers brothers daughter, seven geirs, and begottin children, and presentlie wald marie her, and underly correctioun, may marie or not. The degries are second of consanguinitie.

Thogh this be not found contrair to the Word of God, yet because it hes bein publickly reveilit in this realme, and that diverse inconvenients are perceivit to ensue of this liberty ; thinks it good, that it be offered to the civil magistrate, or els to ane parliament, for ordour to be taken therein ; in the mean time, that men take not libertie to themselves according to there fleshly filthie affectiouns ; notheles that the persones, in whose name this question was proponit, be joynit in marriage after there public repentance for the offences bygane, without any hope that uthers have the like licence, whill farther ordour be tane be the civil magistrat, as said is.

Anent the complaint givin in be the Superintendent of Fyfe, for the want of a preacher at the Kirk of Kilmany, pertaining as ane comoun kirk to St. Salvators Colledge in St. Androes, Mr John Rutherford Provost, and Mr William Ramsay ane of the ministers, was content that the Superintendent of Angus and Fyfe, Mr Christopher Gudman and Mr George Buchanan, should consider this complaint, and whatsoever they decydit therein and

ordainit to be done, they should fulfill the same in sick sort that no complaint should be heard heirafter.

Ane complaint was given in be the parochiners of Tinninghame, who payes ther teinds to the New Colledge of St Androes, and hes no preaching nor ministratioun of the sacraments, Mr John Dowglas rector of the Universitie and master of the said Colledge promised to the kirk to satisfie the saids complainers reasonable, that heirafter the kirk shall not be troubled with farther complaint.

[Tuiching the request of the Commiffars of Edinburgh, that everie Minister or Reader should have a register of the names of the deceased of the place where they dwell, the day of the moneth and yeere, and deliver the copie thereof to the procurator fiscal, that pupills and creditors be not defrauded : It was answered, they could not lay such a charge upon their brethren, in respect none or few of the Ministrie had manfes and gleebes to make residence in ; bot how soone they obtained their manfes, they should exhort them, as they false required, to doe conforme to the said Request. C.]

Sessio 4<sup>ta</sup>, 28 Junij 1565.

Anent the complaint given in be Mr Donald Monro, against Mr John Robertstone, thesawrer of Ros, minister of Urquhart, and John Watson, minister of Alves, That wher they both accepted the ministrie on them, and receivit ther stipends therfor, and now hes left ther vocation, requyrit the kirk to take ordour heirin : The hail Assemblie ordainit the saids persons to repaire towards there charges in the ministrie, and enter againe therto incontinent after they be chargeit, under the paine of disobedience of the kirk, and discharging of ther allowance and stipends.

[Mr Robert Pont commissioner of Murrey, was appointed to trie, if Williame Ross, Donald Adamstone, John Murquhousone, and Alexander More, were worthie to be admitted be Mr Donald Monro as exhorters, to baptize and solemnize mariage.

Commission was given to Mr George Hay, parson of Ruthven, to visite kirks, schooles and colledges from Dee to Spey, to plant, remove simpliciter, or for a season, ministers ; to eradicate idolatrie, &c. till a Superintendent be admitted in the North, or at least till next Generall Assemblie.

The Superintendent of the West was enjoined to visite the kirks betwixt Ure and Neth, as he doeth other kirks within his jurisdiction of Glasgou, becaus these kirks pertained to that diocie of old; yitt the bounds of Superintendents charge was not conforme to the limits of the old diocies, for the diocie of Sanct Andrews was divided, and all the countrie dailes belonging to Glasgou of old. C.]

The haill Affemblie with ane voyce and mynd choose Johnne Knox, minister of Edinbrugh, to receive the ansuers of articles send from the Affemblie be the commissioners therof to the Q. Majestie, and to advertise the superintendents of the same; and also that he advertise the faithfull of things necessar that fall happin betwixt this and the nixt Affemblie.

Thanks beand givin to God be John Willock Superintendent of the West, and the 25 of December nixt to come appointit for the nixt Affemblie to convein in Edinburgh, this Affemblie was dissolved.

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A. D. M.D.LXV.

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THE Generall Affemblic of the kirk, haldin in Edinburgh in the Ovir Tolbuith therof, the 25 of December 1565. In the whilk were present the Superintendents, Ministers, Exhorters, and Commiffioners of townes and kirks. The invocatioun of the name of God was made be John Knox, minifter of Edinburgh.

Seffio 1<sup>ma</sup>.

Firft, for efchewing of confulion in reafoning, and that every brother fpeak in his rowme with fick modeftie as becomes the minifters of Gods word to doe, with the whole confent of the brethren present, was chofen Johne Erskine of Dun, knyght, Superintendent of Mernes and Angus, to be moderator at this tyme, who acceptit the office on him.

[The fuperintendents of Louthian and Fife excufed their flacknefs in vifitation be the abfence of the people following the Queen according to the proclamation. The Superintendent of Angus confefled, that he had not vifited any kirk for two moneths bypaft; but alledged withall, that his vifitations could not be very profitable, in refpect it behoved him to lodge in time of vifitation with his friends for the moft part, who had moft need of correccion and difcipline; therefor he befought the Affemblic to provide fome other to that office. Alexander, Commiffioner of Galloway, excufed his not vifiting, with the building of his nephews houfe.

Tuiching minifters, exhorters, or readers difobeying their fuperintendent; the Affemblic ordained the fuperintendent to call the difobedient before himfelf and fome of the neereft difcreit minifters; and if being conviict of difobedience, he refufe to fatisfie according to their injunccions, that he be fufpended from his miniftrie and fipend till the nixt Affemblic: At the which the fuperintendent fhall notifie the whole proceeding, that

be their censure he may be farder corrected, or els restored to his former estate, according to the evidence of his repentance ; provided his kirk be provided for in the meanetime be the superintendent.

Sir John Bellenden of Achinoull knight, Justice-Clerk, Mr James Makgill of Rankeillour, Mr John Row, John Craig, William Christefone, David Lindsay, ministers, and David Forrest, were appointed to convene upon Wednesday, to decide questions proponed, and to report their decisions. C.]

The superintendent of Lowthiane complainit upon Mr Johne Frude, minister of Dumemanie, that wherin the last Generall Assemblie of the kirk it was decernit that Robert Paterfone and Jenat Litell shoud have satisfied the kirk of Edinburgh, for the offence committed be them in contracting mariage without parents counsell, yet nevertheles the said Mr John had perswadit them to solemnize the said mariage, ther bands not being proclaimit, and na satisfactioun made to the kirk of Edinburgh ; and also had causit Mr Patrick Creich minister of Ratho to solemnize the said mariage betwixt the said parties in the kirk of Dumemanie, in great contemptioun of the decreit soirsaid, and all good ordour heirtofor observit in the reformat kirk ; desyreing the kirk publicklye assemblit to take ordour herein, asweill anent the saids parties as the saids twa ministers. The kirk ordainit to call both the saids parties and ministers to answer to the said complaint, betuixt this and the end of the Assemblie.

In lyke maner, Mr Johne Winram complainit upon the said Mr Johne Frude, that by his counsell and perswasion the Ladie Kilconquhar and Johne Weymis had contractit mariage [per] verba de presenti, notwithstanding that ane woman, called Elizabeth Pot, had claimed the said Johne Weymes before the superintendent, whilk clame was not yet justified ; and that Mr Andro Kirkadie had married the saids persons, after the minister was departed out of the kirk where they were married. Ordained in like manner to answer to this complaint.

The haill Assemblie appointit Mr Johne Row at St Johnstoun to put in wryte answers to the answers givin be the Queens Majestie to the Articles presentit to her Hienes be the Commissioners of the last Assemblie of the Kirk, because her Hienes answers satisfied not fullie the Kirk, as in the samein plainly appeareth ; and the said Mr Johne to present them the morne after the preaching to the Assemblie, to advyse therwith, befor ther presenting to her Grace.

Followes the anſuer givin be the Queens Maieſtie to the Articles preſentit to her Grace be the Commiſſioners of the Aſſembly laſt haldin the 25 of Junij 1565, and als anſuers and requiſits to theſe anſuers now conceivit in this Aſſembly.

### The Queens Maieſties Anſuer.

To the firſt, deſyreing the meſſe to be ſuppreſſed and abolith, alſweill as in the head as in the members, with the puniſhment againſt the contraveiners; as alſo the religioun now profeſſit to be eſtabliſhit be ane act of Parliament: It is anſwerit firſt, for the part of her Maieſties ſelfe, that her Hienes is nawayes get perſuadit in the ſaid religioun, nor get that any impietie is in the Meſſe, and therefor believes that her loving ſubjects will no wayes preaſe her to receive any religioun againſt her awin conſcience, whilk ſould bring her to perpetuall trouble be remorſe of conſcience, and therewith ane perpetuall unquyetnes. And to deall plainly with her ſubjects, her Maieſtie neither may nor will leave the religioun wherin ſcho hes bein nourithit and upbrocht, and beleives the ſamein to be weill groundit; knowing, beſydes the grudge of conſcience, if ſcho ſould receive any change in her awin religioun, that ſho ſould tyne the freindſhip of the King of France, the ancient allya of this realme, and of other great princes her friends and confederates, who wold take the ſamein in evil pairt, and of whom ſcho may looke for great ſupport in all her neceſſities. And having no conſideration that may counterwey the ſame, ſho wilbe laith to put in hazard the loſe of all her freinds in ane inſtant; praying all her loving ſubjects, ſeeing they have had experience of her goodneſs, that ſcho neither hes in tymes bypaſt nor get meanes heirafter to preaſe the conſcience of any man, but that they may worſhip God in ſick fort as they are perſuadit to be beſt, that they alſo will not preaſe her to offend her awin conſcience.

As for eſtabliſhing of religioun in the body of the realme, they themſelves knowe, as appeirs weill be ther Articles, that the ſame cannot be done be only aſſent of her Maieſtie, but requyres neceſſarlie the conſent of the thrie eſtates in Parliament; and therfor ſa ſoone as the Parliament holds, that whilk the thrie Eſtates aggries upon among themſelves, her Maieſtie ſhall grant the ſame to them, and allwayes make them ſure that no man



falbe troublit for using themselves in religioun according to ther conscience, so that no man fall have cause to doubt that for religiouns sake mens lyves or heiritages falbe in hazard.

To the second article it is answered, that her Majestie thinks it no wayes reasonable that s/he should defraude her selfe of so great a part of the patrimonie of her crowne, as to put the patronage of benefices furth of her awin hands; for her awin necessitie in bearing of her port and commoun charges will requyre the retentioun of ane good part in her awin hands. Nottheles her Majestie is well pleased, that consideration being had of her awin necessitie, and what may be sufficient for her, and for the reasonable sustentatioun of the ministers, ane speciall assignation be made to them in places most comodious to intromett therwith; the whilk her Majestie fall not intromett with, bot suffer the samein to come to them.

To the thrid Article, her Majestie fall doe therein as falbe agreeit be the Estates in Parliament.

To the fourth Article, her Majesties liberalitie towards the poore falbe alwayes als farre extendit as can be reasonable requyrit at her hands.

To the fyfth Article, her Majestie will referre the takeing ordour with th at, andals of the saxt Article, to the Parliament.

The answers of the Kirk to thir above wrytin followes.

First, where Her Majestie answers that s/he is not perswadit in religioun, neither that s/he understands any impietie in the Messe, bot that the samein is well groundit. That is no small greife to the christian hearts of her godlie subjects, considering that the trumpet of Chrysts evangell hes bein so long blown in this countrey, and his mercie so plainly offerit in the same, that her Majestie remains yet unperluadit of the truth of this our religioun; for our religioun is nocht els bot the same religioun whilk Jesus Chryst lies in the last dayes reveilit from the bosome of his Father, whereof he made his Apostles messengers, and they preachit and establischt among his faithfull, to the gaine comeing of our Lord Jesus Chryst; whilk differs from the impietie of the Turkes, the blasphemie of



the Jewes, the vaine superstitioun of the Papists, in this, that our religioun hes only God the Father, his only Sonne Iesus Chryst our Lord, his Holie Spirit speikand in his Prophets and Apostles for authors therof, and ther doctrine and practife for the ground of the same; the whilk no uther religioun upon the face of the earth can iustlie alledge or plainly prove; zea, whatsomevir assuurance the Papists hes for mainteinance of ther religioun, the same hes the Turkes for mainteinance of ther Alcoran; and the Jewes farre greater for defence of ther ceremonies, whether it be antiquitie of tyme, consent of peiple, authoritie of [counsellis,] great number or multitude consenting together, or any other sick lyke cloakes they can pretend; and therefor, as we are dolorous that Her Majestie in this our religioun is not perswaded, so most reverentlie we requyre in the name of the Eternal God, that her Hienes wald imbrace the means wherby scho may be perswadit of the trueth; whilk presentlie we offer unto Her Grace as weill be preaching of his Word, whilk is the chiefe means appointit be God to perswade all his chosen children of his infallible veritie, as be publick disputation agains the adverfaires of this our religioun, deceivers of her Majestie, whensoever it salbe thoght expedient to her Grace. And as to the impietie of the Messe we darre be bold to affirme, that in that Idole ther is great impietie; from the beginning to the ending, it is nothing els bot ane masse of impietie; the author or fayer, the actioun itselke, the opinioun thereof conceivit, the heirars and gazers upon it allowes sacriledge, pronounces blasphemie, and comitts most abominable idolatrie, as we have evir offerit and get offer ourselves most manifestlie to prove.

And wher her Majestie esteims that the change of religion fould dissolve the confederacie and allyanze that sho hes with the King of France and uthers princes: Assuredly Christs true religion is the undoubtit meane to knitt up sure true confederacie and friendship with him that is King of all kings, and him who hes the hearts of all princes into his hands; whilk ought to be more precious to her Majestie nor the confederacie of all the princes; without the whilk, neither confederacie thereof nor kindnes can indure.

Concerning her Majesties answer to the second article, wheras scho thinks it no wayes reasonable to defraude her selve of the patronage of the benefices, whilk her Majestie esteimes to be ane portion of her patrimonie, and that her Majestie is myndit to retaine a good part of the benefices in her awin hands to support the comoun charges.

As to the first point, [our mind is not], that her Majestie or anie uther patron of this realme fould be defrauded of ther just patronages; bot we meane whensoever her Majestie or any uther patron does present any person to a benefice, that the person presentit fould be tryit and examineit be the judgement of learned men of the kirk, sikk as presentlie are the superintendents appointed therto. And as the presentation of benefices pertaines to the patrone, sa aucht the collatioun therof be law and reason pertaine to the kirk; of the whilk collatioun the kirk fould not be defraudit, more nor the patrones of ther presentation; for utherwayes, if it falbe leifum to the patrone absolutely to present whomever they please, without tryall or examination, what then can abyde in the kirk of God bot meere ignorance without all ordour.

As to the second point, concerning the retentioun of a good part of the benefices in her Majesties awin hands: this point aberreth so farre from good conscience, alsveill of Gods law as fra the publick ordour of our comoun lawes, that we are loath to opin up the ground of the matter be any long circumstances; and therfor we most reverently wish that her Majestie wold consider the matter with herselfe and her wise counsell, that howsoever the patronage of benefices may appertaine to hir selfe, yet the retentioun therof in her awin hands, undisponit to qualified persons, is both ungodlie and als contrair to all publick ordour, and brings no small confusion to the poore soules of the comoun peiple, who by this means fould be instructit of their salvation. And wher her Majestie concludes in her second answer, that scho is content that ane sufficient and reasonable sustentatioun of the ministers be provydit to them, be assignatiouns in places most comodious to them, consideration beand had of her awin necessitie; as we are desyreous altogether that her Graces necessitie fould be releivit, so our duetie craves that we fould notifie to her Grace the true ordour that fould be observit to her in this behalfe, whilk is this: The teyndis are properlie reputit to be the patrimonie of the kirk, upon the whilks befor all things they that travells in the ministrie therof, and the poore indigent members of Chryst, aucht to be sustaint, the kirks also repairit, and the youth brocht up in good lettres. Whilks things beand done, then uther necessitie reasonable might be supported, according as her Grace and her godlie counsell could think expedient. Allwayes, we cannot but thank her Majestie most reverently, of her liberall offer of assignatioun to be made to the ministers for ther sustentation, whilk not theles is so generallie conceivit, that without more speciall

condescending upon the particulars therof, no executioun is able to follow therupon. And so to conclude with her Majestie at this present, we defyre most earnestlie the saids minifters articles to be reformat; beseikand God, that as they are reasonabe and godlie, so her Graces heart, and the estates presentlie conveyit, may be inclynit and perswadit to the performance therof.

Seff. 2<sup>a</sup>. 26 December 1565.

Anent the generall complaint of the minifters, exhorters and reidars, for wanting of their stipends, and as touching them that hes put violent hand in minifters for reproveing of vyce, the hail Allēmblie ordainit ane generall supplicatioun to be presentit to her Majestie and counsell; and als requēstit the Lord Lindefay, and David Murray, brother to the Laird of Balvaird, to present the same, and to report the ansuer againe to the Allēmblie.

The tenour of the supplication followes.

Unto your Majestie and most honourable counsell, humble meanes and complaines, We your Graces most obedient subiects, the confessors of Chryst Jesus, and his holie evangell within this realme, in name and behalfe of our minifters, exhorters and reidars; that wher oft and divers tymes promise hes bein made to us, that our saids brethren, travelers and preachers in the kirk of God, shuld not be defraudit of their appointit stipends, neither get in any wayes shuld be molestit in their function; get nottheles universallie they want ther stipends appointit for diverse tymes by past; violent hands are puttin in some for no uther cause, as they alledge, but for reproveing of vyce; and none knowes what assuurance he shall have of any reasonable lyfe in tyme to come. Our most humble request is therfor unto your Majestie, that our minifters may be payed of ther by gane stipends; that sike as hes receivit assignatioun therof from the former collectors, may have executioun of ther assignatiouns; that your Grace pleases to appoint the assignatioun promised into your Hienes last ansuers to the petitionis of the kirk, so that we may know be what meanes our said minifters may be sustainit in tyme to come; and finally, how they may live without molestatioun of wicked men: And your Graces ansuer we most humble beseik.

Anent the question, whither any might marie his wyfes brother daughter, or his wyfes sister daughter, and what ordour shold be tane if any sick mariages be made, it was votit and found be the word of God, that none may marie his wyfes brother or sister daughter, and if any such mariages was contracted, the samein to be null and aught not to stand.

Persons revolting from the professioun of the gospell, by offering ther children to be baptized after the papistlicall maner, or receiving themselves the sacrament of the altar, after admonitioun, to be excommunicat if repentance intervein not, &c.

[The Commissioners of Sanct Andrews requested that Mr Knox might be transplanted and placed in Sanct Andrews, which was refused. The Assemblie willed them to choise one out of their own univerfitie, in place of Christopher Gudman, who latelie departed into England. C.]

Seff. 3<sup>a</sup>. 27 December 1565.

Anent the complaint givin in be the Superintendent of Lowthiane aganis Mr Patrick Creiche, minister of Ratho, for the marieing of Robert Paterfone and Janet Littell in Dumanie kirk, neither the bands being proclaimit, nor yet satisfactioun made to the Kirk of Edinburgh, according to the tenour of the decreit of the last Assemblie: The said Mr Patrick grantit publickly that he had offendit, and submittit himselfe to the correctioun of the kirk. Therfor be the haill Assemblie he was ordainit to satisfie the kirk of Edinburgh, upon two severall sondays, be his awin opin confessioun, when the said Kirk of Edinburgh shall requyre him; and the thrid sonday, to satisfie the Kirk of Dumdanie, wher the offence was committed; suspending for this present all farder correctioun, in hope of his better bearing in tymes to come.

The haill Assemblie in ane voyce statutes and ordaines, that no minister heirafter receive the parochiners of ane other paroch to be married, without a sufficient testimoniall of the minister of the paroch wherfra they came, that the bands are lawfullie proclaimit, and na impediment found; sua that the ordour that hes bein tane be the kirk in sick affaires be dewlie observit, under the paine of deprivation fra his ministrie, tinsell of his stipend, and others paines, as the Generall Kirk shall heirafter thinke to be injoynt.

Anent the complaint givin in be the Superintendent of Fyfe agains John Melvill, minifter of Craill, alledging the faid John to preceid to the folemnizatioun of mariage betuixt Robert Arnot and Euphame Corftarphin, notwithstanding that ane uther woman claims the faid Robert ; the hail kirk assemblit, ordainit ane inhibitioun to paffe agains the faid Johnne, that he in no wayes folemnize the faid mariage untill fick tyme as Mr John Dowglas, rector of the Univerfitie, and Mr James Wilkie regent, heare the complaints to be givin in be the faid fuperintendent, and alfe any uther partie haveand entrefse, and the fame to be difcuflit be them ; give and power to them to give foorth fentence according to Gods word, and to ufe the cenfures of the kirk agains the diffobeyars.

Self. 4<sup>th</sup>, 28 December 1565.

[The Affembly gave commiffion to Mr John Row, minifter of Sanct Johnfton, to vifite kirks, fchools, colledges, to remove or fufpend minifters, exhorters, readers, in Kyle, Carrick, and Cuninghame, as they fhall be found offensive or unable, to eradicat idolatrie, &c. and the Superintendents of Angus and Fife to fupply his place in his abfence alternatim.

Mr Knox was appointed to penn a comfortable letter, in name of the Affembly, to encourage minifters, exhorters, readers, to continue in their vocation, which in all likelihood they were to leave off, for lack of payment of flipends ; and to exhort the profeflors within the realm to fupply their neceffities. He was appointed likewise to vifite, preach, and plant kirks in the South, where there was not a fuperintendent, and to remain fo long as occafion might fuffer. C.]

Mafter Johnne Frude, minifter of Dumemanie, is ordained to fatiffie, as is befor fett downe in the thrid felfioun anent Mr Patrick Creich, for his offence fpecified in the act of the firft felfioun ; fufpendand the faid Mr Johnne fra all functioun in the miniftrie in the meantime, whill the compleiting of the faid fatiffactioun, and therafter to returne to his vocation and miniftrie.

[The brethren appointed in the firft felfion to decide queftions, reported the queftions and decifions to this felfion. C.]

It was askit, if it be lawfull that a minifter, what title or honour that ever he beare, receiving fufficient benefite and provifion of his flocke, may leave them, and make his comoun refidence in uther places, fo that his

flocke is destitute alsweill of his doctrine and ministrie, as of other comfort that the flocke shuld receive of ane faithfull pastour, notwithstanding that worldlie reasons may seime to excuse the absence of some?

The answer.—No minister of the evangell of Jesus Christ, nor no person receiving sufficient living for the preaching of the evangell, may with safe conscience leave his vocation, together with his flocke, and the place appointit for his ordinarie residence, what permissione and oversight that ever he hes be corruptioun of tymes, or negligence of rulers, fa to doe.

If sick as hes once entrit in the ministrie, bein appointit be the superintendent, and receivit of the peiple, may leave ther vocation and follow the world, becaule they cannot have a sufficient stipend?

The answer.—Seing that our master Chryst Jesus pronounces that he is but ane mercenarie shepheard, who seing the wolfe comeing, flieth for his awin safeguard, and that the very danger of lyfe cannot be ane sufficient excuse for sick as fall back from Jesus Chryst; We on na wayes thinks it lawfull that sick as once puts there hand to the plough, shall leave that heavinlie vocation and returne to the profane world, for indigence or poverty. Lawfullie they may leave ane unthankfull peiple, and seek wher Jesus Chryst his holy evangell may bring forth greater fruit; but lawfullie they may never change their vocation.

[Their judgement concerning marreage contracted without consent of parents, was referred to farder advisement; the order prescribed be the Assemblie to Robert Paterfon and Janet Littill excepted. C.]

If knowin murtherers, with convict adulterers, together with sick as comitt [the like] horrible crymes, may not, upon the notoritie of ther fault, be denunceit excommunicat, for declaratioun that the kirk abhorres sick impietie, &c.?

Answer.—The kirk may and aught to purge her selfe of sick notorious malefactors, provyding that the offenders be lawfullie callit, and convict either be ther awin confessioun or witnes.

The ordour to call them for the slander (for civill things we remit to the civile magistrat) we judge to be this: Whensoever sick fearfull crymes are comittit, if it be in the country, the minister, reidar, or exhorter of that place, or if ther be nane, the minister of the place nixt adjacent, aught to give significatioun of the fact to the superintendent of that dyocie, who without delay ought to direct his sumounds, chargeing the persons slanderit to compeir before him at a certaine day and place.



Or, if it be done in townes wher ordour is establiſhed, the feſſioun therof aught to call the accuſt offenders, who, if they compeir, and either alledge juſt defence, or ſhew themſelves unfainedly penitent, then man the ſuperintendent, and kirks reformed without the ſuperintendent, diſpenſe ſomewhat with the rigor of the puniſhment, ſecluding onlie the offender fra participatioun of the ſacraments till farder tryall of his repentance, and that baith ther diligence and ſentence be publicklye pronounceit in the kirk wher the offence is knowin.

Bot if the offender be ſtubborne, as if he compeir not or ſhew himſelfe litle touchit with his offence, then aught the ſuperintendent, with advyce of the nixt reformat kirk, to diſcerne him or them to be ſecludit from all participatioun of comunioun with the faithfull members of Jeſus Chryſt, and to be givin to Satan to the deſtruſtioun of the fleſch, whois ſlaves, (be impietie committit, and impenitencie ſhawin), they declare themſelves to be; and ther ſentence to be publiſhit in all places wher the offence is knowin. If the perſons ſecludit from the ſacraments be negligent in ſeiking reconciliatioun with the kirk, behave themſelves inſolentlie or urtherwayes then it becomes penitent perſons, the kirk, after admonitioun, may proceed to the uttermoſt; for wanton behaviour, after iniquitie comittit, is ane plaine argument of impenitency; and negligencie to ſeik reconciliatioun, declares that contempt lurkes in the heart.

If baptiſme be adminiſtrat be ane papiſt preiſt, or in the papiſticall maner, ſalbe reiterat.

When ſick children comes to geirs of underſtanding, they ſould be inſtruſtit in the doctrine of ſalvatioun; the corruption of the papiſtrie muſt be declared to them, whilk they muſt publicklye damne befor they be admittit to the Lords Table, whilks if they doe, there neids not the externall ſigne to be reiterat, for no papiſts miniſters baptiſme without watter, and ſome forme of word, whilk are the principalls of the externall ſigne. We ourſelves were baptized be papiſts whoſe corruptions and abuſes now we damne, cleaving only to the ſimple ordinance of Jeſus Chryſt, and to the vertue of the Holy Spirit, whilk makes baptiſme to work in us the proper effects therof, without any reiteratioun of the externall ſigne. If ſuch children come never to the knowledge of the true doctrine, they are to be left to the judgement of God.

What ordour ought to be ulit agains ſick as oppreſſis children?

As concerning puniſhment, the civile magiſtrate aught therein to diſ-

cerne ; as touching the slander, the persons aught to be secludit from participation of the Sacraments, whill they have satisfieid the kirk as they falbe comandit.

What punishment falbe usit agains them that ly in fornicatioun, under promise of mariage, whilk they deferre to solemnizat, and to satisfie be publick repentance for the slander givin? Alsweill the man as the woman, fould publickly in the place of repentance lykewayes satisfie on ane Sunday befor they be maried.

[Mr John Craig, one of the ministers of Edinburgh, Mr John Douglas rector of the Univerlitie of Sanct Andrews, Mr Robert Maitland deane of Aberdein, William Christiesone minister at Dundie, Mr David Lindsay minister at Leith, Mr Gilbert Garden minister at Moniefuth, Mr Thomas Mackcalzean, and Mr John Marjoribankes, commissioners for Edinburgh, were appointed, in the third session, to collect the heads and causes of the publick fast: They returned in this session, and declared the necessitie of a publick fast at this time; therfor the Assemblie, with ane voice, ordained Mr Knox and Mr Craig ministers at Edinburgh, to set out the form therof, with the exercise to be used in the same, and to cause Robert Likprevick print it. C.]

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A. D. M.D.LXVI.

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THE General Assemblie of the kirk, haldin in Edinburgh, within the counsell house therof, the 25 day of Junij 1566. In the whilk were present Erles, Lords, Barons of the Privie Counsell, viz. Erle of Huntlie, chancellor, and Erle of Argyle, Alexander of Galloway, Adam of Orkney, one of the session, Johnne, commendator of Lindoiris, Johnne Balfour of Pettindreich, knyght, with the Superintendents, Ministers, and Commissioners for townes and particular kirks. The invocatioun of the name of God made be Mr John Craig, minister of Edinburgh.

First, for eschewing confusioun in reasoning, and to the effect that every brother speake with sick modestie and measure as becomes the ministers of Gods word to doe, with the assent of the whole Assemblie, Johnne Erskine of Dun, knyght, Superintendent of Angus and Mernes, was continuat moderator, who was content for the present to use the office.

[In the tryall of superintendents, the Superintendent of Fife confessed his own inability to discharge the office, and desired the Assemblie to denude him of it.

Mr Johnne Douglas rector of the Univerlite of Sanct Andrews, Mr George Hay minister of Ruthven, Mr George Buchanan, Mr Robert Pont and Mr Robert Hamiltoun, were appointed to sit apart at set times, to receive and decide questions, and to report the decisions to the Assemblie. C.]

Ordaines that some of the brethren, in name of the hail kirk, make supplicatioun to the Secreit Counsell and Session of Justice, that no excommunicat person have any proces befor their honours unto the tyme they be reconcileit to the kirk, cheiflie when it is notour and objectit agains.

Anent the supplicatioun presentit be this Assemblie, in name of Robert, comendator of Halierudehouse, shawand in effect how it was not unknowin

to there wifdoms, that he had diverſe godlie and learned men of his awin place of Halyrudehous, ſick as Alexander Forreſter and Peter Blackwood, who are men of good converſation and literature, were received and admittit be the kirk in the miniſtrie, and how he had diverſe kirks pertaining to the ſaid kirk, as the kirks of Tranent and St Cuthbert, and alledgit that moſt decent and convenient it were that his ſaids kirks ſould be ſervit be the ſervants of the ſaid abbay: Heirfor requieſtit moſt earneſtlie that the kirk preſentlie aſſemblit ſould tranſport Mr Thomas Cranſtoun and William Harlaw, now miniſters of his ſaids kirks, and place them at ſome uther kirk as ſould be thought good be the haill Aſſembly to appoint them, and to place his ſaids ſervants at his ſaids kirks as miniſters, there to be ſervit be them in tyme comeing, as in the ſaid requieſt at lenth was conteinit.

The kirk having rypelie conſiderit the ſaid ſupplication, and advyſeit therupon, cauſit call befor them ſome of the elders of the ſaids parochines, and diligentlie inquiryed if they had any fault to lay againſt there miniſters, or if they wald be content that they ſould be tranſportit fra them? Anſuer was givin, that they had no cryme nor fault to there miniſters, but that they were better contentit with them then they wald be with any other who could be preſentit to them, and attour on naway wald be content that any of them ſould be tranſportit from them. Therfor the kirk preſentlie aſſemblit, on naway could conſcend to the tranſportatioun of any of them, for the reſpects befor rehearſit; bot brotherlie requieſtit the ſaid Lord Comendator to provyde for ſome uther godlie miniſters for ſome uthers of his kirks whilk are altogether deſtitute of the preaching of the true word of God, the ſpeciall foode of ther ſoules, whilk they doubt not but his Lordſhip will doe for diſcharge of his awin conſcience.

[It was ordained that a requeſt be written, and ſent to the noblemen in whoſe bounds ſome popiſh preiſts haunted and remained, and abuſed the ſacraments, and celebrated marriages for lucre. C.]

Seſſ. 2<sup>da</sup>. 26 Junij 1566.

The haill Aſſembly, in reſpect of the perrills and dangers wherwith the kirk of God is aſſaulted, and that be the mightie enemies, concludit a generall faſt to be publiſhed throughout this realme in all the kirks reformeit.

[A publiſk faſt was appointed to be holden on the two laſt Sabbaths of

Julie nixt, and the communion to be ministred upon the saids Lords days, if it may be done convenientlie. C.]

Anent the supplicatioun givin in be Paul Methven, makeand ane lang rehearfall of his miserable estate, the supplicatioun presentit in his name to the Generall Assemblie haldin in Edinburgh in December 1564; of the estate of the ansuer therto from the said Assemblie; of his long and tedious journey out of Ingland to Scotland, and impediments that chanced him by the way. Finallie, requieits for ane of thir twa, that is, either to suspend excommunicating of the kirk for a tyme, and receive him in the fellowship of the same, as ane poore sheip, upon ane conditionn, wher evir he chanches to be, upon halfe a zeirs warning, he falbe bund to returne againe at command of the kirk, and obey sick injunctiouns as they wold command him to doe. Or if the kirk pleasit not this petition, then to committ his ansuer to sick as the kirk sould please appoint, whose judgement and determinatioun (as his bodie nicht beir) he promised be Gods grace most humblie to obey. Finallie, all counsell that have followit heirtofoir, and himselfe he most humblie submittit to the judgement of the present Assemblie, as in the said supplicatioun at length was conteinit. Last of all, it was ordainit that he present himselfe personallie befor the Assemblie; and being entrit, prostrate himself befor the whole brethren, with weiping and houleing; and commandit to ryse, might not expresse farder his requiest, being as appearit so fore troublit with anguish of heart, was desyrit to be of good confort, and depart to his ludging, whill ordour were tane anent his requiest.

And forsameikle as in the said Assemblie, haldin in December 1564, it was concludit to receive him to repentance, now ressit to conclude upon the maner therof what he sould doe, when and wher; and for that purpose was appointed the Superintendent of Fyffe, Mr Johne Dowglas rector of St Androes, David Forrest, Mr George Hay minister of Ruthven, Mr Johne Craig minister of Edinburgh, Johne Row of St Jonstoun, William Chrystefone of Dundie, and Adame Heriot of Aberdeine, ministers, that they fevin or fixe of them sould conveyne the morne, at fevin houres befor noone, and appoint and take ordour in the premisses; and whatsumevir they doe heiranent, to signifie the same to the superintendent of Laithiane and session of the kirk of Edinburgh; and ordaines them to put the commissioners ordinance to execution; and als ordaines that the said Paul Methven obey the same according to ther directiouns; and ordaines that

the said superintendent and kirk of Edinburgh, delyver the said ordinance to the scribe of the Generall Assemblie, that he may infer the same among others acts of the Generall Assemblie, for ane remembrance to the posteritie.

### Questions and ther Answers.

First, It is asked, if any man contract mariage with ane woman once married, and her husband departing fra her to uther countreyes, and being absent ix or x zeirs together, the woman having no testimoniall of his death or not?

Answerit, The woman desyreing to marie, aught to seik, or cause to seik, whither her first husband be dead or not, and to report ane sufficient testimoniall of his death or ever scho may joyne herselfe to another husband.

Whidder, if any person seikand donatioun or confirmation of benefices at the Popes kirk, may be admittit to minister in the kirk of God?

Answerit, That sicker a person aught not to be admittit to the ministrie, as the question is conceivit.

[Whether a minister may enjoy a benefice sufficient for his sustentation, where he travelleth not in the preaching of the word? It was answered, That he ought to travell in the word where he receaveth his sustentation, unless the kirk appoint otherwise. C.]

The commissioners appointit be the Generall Assemblie for ordouring of Paul Methven his repentance, [reported the same to Mr John Gray scribe of the Assemblie, in the tenour as followeth. C.] In consideration of the said Pauls lamentable supplicatioun to the kirk, humble submissioun of himselfe to the same, and his absence out of this realme the space of two zeirs or mair; Ordaines the ministrie of Edinburgh, that he upon ane Sunday after fermoun notifie unto the peiple the said Paul his supplicatioun, and how the General Assemblie hes ordainit to receive him to repentance with the conditions underwryten: And therfor to admonish all faithfull brethren that they, within the nixt acht dayes, notifie to the said minister of Edinburgh, if any of them hes any knowledge, or are surelie informit of the said Paul his conversatioun and behaviour since his departure forth of this realme, whilk might impeded his receiving to repentance; whilk salbe on this maner, viz. The said Paul, upon the said two preaching dayes betuixt the Sondays, fall come to the kirk doore of Edinburgh, when the second bell rings, clad

in sackcloath, bairehoidit and bairefoottit, and there remaine whill he be brocht into the fermoun, and placeit in the publick spectakill above the peiple in tyme of every fermoun dureing the said two dayes, and in the nixt Sondag therafter fall compeir in lykemaner, and in the end of the fermoun fall declare signes of his inward repentance to the peiple, humble requyring the kirks forgivenes; whilk done, he salbe cled in his awin apparrell, and receivit in the society of the kirk, as ane lyvelie member thereof; and this fame ordour to be observit in Dundie and Jedbrucht, alwayes secluding him fra any functioun of the ministrie of the kirk, and also from participatioun of the table of the Lord Jesus, unto the 25 of December nixt to come, when the Generall Assemblie of the kirk conveines, unto the whilk they ordaine the said Paul to refort, bringand with him sufficient testimoniall from autentique perfons, of these places where he in the meane tyme fall chance to remaine, reportand his converfatioun and behaviour; at the whilk tyme the kirk fall take farder ordour what fall be done anent him.

[Mr John Craig, minister of Edinburgh, desired that John Carnes, who had read prayers and exhorted four zeirs and more in Edinburgh, and had weill profited, so that he was now able to be admitted to the ministrie, might be joyned with him as colleague in the kirk of Edinburgh, in respect he was alone: The Assemblie ordained the kirk of Edinburgh, with the assistance of the superintendent of Louthian, to consider whether he were fit and sufficient for that place, or some other. C.]

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A. D. M.D.LXVI.

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THE General Assemblie of the Kirk, haldin in Edinburgh, in the Nether Counsell House therof, upon the 25 day of December 1566. In the whilk were present the Superintendents, Ministers, and Comissioners of Shyres, Townes, and Kirks. The invocatioun of Gods name made be Mr Johne Craig minister of Edinburgh.

In the first, for ordour to be observit in reasoning, and that every brother speake to his purpose in sikk measure as it becomes the minister of Gods word to doe, Johne Erskine of Dun, Superintendent of Angus and Mernes, was continewit moderator, wherof he was content.

[Beside the triell of the superintendents, James Knox, reader in Bathgate, was censured for baptizing of bairns and solemnizing of marriage, he being but a simple reader, and taking money for the same from such as were without the parochie. C.]

Sessio 2<sup>da</sup>. 26 December 1566.

Anent the assignatioun of the pensioun of money and victualls offerit be the Queens Majestie and her most honourable counsell, for the sustentatioun of the ministers within this realme; the haill brethren present requyreit the ministers being in the Sessioun to passe forth of the Assemblie, and with mature deliberatioun to consult and advyse with the said configuatioun, whether they fall think it good to accept the same for releife of ther present necessitie or not. After lang reasoning and mutuall conference anent the said assignatioun, returneing againe in the Assemblie, thought it good for support of the ministers necessitie to accept of the said

offer of money and victualls, if they might be gottin hastielie : Nottheles, in confideratioun of the law of God, ordaines the persons who heirs the doctrine of saluatioun at the mouthes of his ministers, and thereby receives special food to the nourishment of ther faules, to communicat temporal sustentatioun on ther preachers, there answere is, that having just title to crave the bodily food at the hands of the forsaids persones, and finding na others bound unto them, they only requyre at ther awin flocke, that they will sustaine them according to ther bunden duetie ; and what it fall please them to give them for ther sustentatioun, if it were but bread and watter, neither will they refuse it, nor desist from their vocation ; but to take from uthers contrair ther will whom they serve not, they judge it not ther duetie, nor yet reasonable ; alwayes they most heartlie thank the Lords that bestowit ther labours and pains in purchasing the forsaide assignatioun, most heartlie requesting ther honours to persevere whill they bring it some perfection.

Neverthelesse, the hail Assemblie solemnlie protestit that this acceptation of the forsaide assignatioun for the releife as said is, prejudices not the libertie of the Kirk to sute for that thing that justlie pertaineth to the patrimonie of the same, in tyme and place convenient, in any tyme heir-after.

[The Assemblie appointed Alexander, bishop of Galloway, Mr John Spotswood Superintendent of Louthian, the Lairds of Carden and Keir, to repair to Stirline, and to folicite for the extraicts of the said assignation from the comptroller and clerk-register, that letters may be raised there-upon ; and that they report their answer to the sessioun at Edinburgh, that the commissioners which are to be appointed for division of the said assignation may be advertised. The commissioners were chosen and appointed to convene at Edinburgh, within ten days after advertisement, to divide the said assignation of money and victualls among ministers, exhorters, and readers, according to their discretioun. C.]

The same day were proponit thir questiouns underwryten, and answers givin therto as followes.

Whither if the teindis properlie pertaines to the kirk, and shold only be applyit to the ministers sustentation, to the poore, mantaining of schooles, repairing of kirks, and uther godlie uses at the discretioun of the Kirk ?

Answerit affirmativè without contradiçioun.



Secondlie, if the teindis pertaines to the kirk, and aught to be imployit to sick godlie uses as said is, Whither if the minifters, who are the mouth of the kirk, may with safe conscience keip silence, seeing the patrimonie of the kirk most unjuftlie tane up and waftit in vaine things be sick perfones as beares no office in the kirk of God, and in the meanetyme the miniftrie cealand for neceffitie, the poore perishing for hunger, schooles decayand, and kirks falland to the ground?

Anfuerit, They ought not to keip silence, but earnestly to admonish every man of his duetie, and desyres all men to sute for that whilk pertaines juftlie to the sustaining of the things foirfaids.

Thridlie, Whither if the kirk may juftlie requyre of all possesseurs the teyndis to be payit to the kirk only, and inhibite all uthers to intromitt therewith; and in cace of disobediencie, what ordour fall be usit be the kirk agains them.

Anfuerit, After dew admonitioun usit, and no obedience found, to use the censures of the kirk.

Seffio 3<sup>a</sup>. 27 December 1566.

Anent Mr Knoxs requiest to passe to the realme of England to visite his children, and to doe his other busines, the haill Assemblie grantit gladly licence, with letters testimonialls of his honest conversatioun and godlie doctrine within this realme, with provision as is conteinit in the saids letters; the tenour wherof followes.

The Superintendents, Ministers and Commissioners of Kirks within the Realme of Scotland presentlie assemblit, To all and fundrie faithful brethren to whose knowledge thir presents fall come, wishe eth grace, mercie and peace from God the Father, and from our Lord Iesus Chryft.

Witt your Universities, that our loving brother Johnne Knox, bearer of thir presents, hes bein and is ane true and faithful minister of the Evangell of Iesus Chryft within this realme of Scotland, continually within thir viij zeirs by gane or therabout; in doctrine pure, and sincere in lyfe and



converfation, in our fights inculpable, and hes fo fruitfully ufit that talent grantit to him be the Eternal, to the advancement of the glorie of his godlie name, to the propagation of the kingdom of Jefus Chryft, and edifieing of them who heard his preaching, that of duetie we moft heartilie praife his godlie Majeftie, for that fo great ane benefite grantit unto him for our utilitie and profite. And becaufe he, for the naturall love and affectioun he beares to his childrein, now being within the realme of Ingland, and favour to uthers his brethren, requested us to grant him licence for ane feafon, to repaire toward the faid realme of Ingland, for the caufes above mentionat, We, after mutual conference in full Affembly, thocht this petition juft and reafonable, and therfor all in ane voyce grants licence to our faid brother, according to the Queens Majefties conduct, to paffe to the faid realme, for the purpofes foirfpoken and uthers his lawfull affaires, what time he fall think moft comodious for his journey; provydeing allwayes that he returne to this realme of Scotland before the 25 of the moneth of Junij nixt infewing, to continue in his former vocation, and na utherwayes. And this we make knowin to all and fundrie to whom it effeirs, be thir our Letters Testimonialls, givin at Edinburgh in our General Affembly, and thrid Seffion therof, fubfcrivit be the Clerk of the fame, the xxvii of December.

Attour ordainit ane letter to be directit to the Bifchops of Ingland, that they wald be content gentlie to handle the brethren preachers, touching the habits furp-cloathes and uthers abulgements, whilk appeirantlie tends more to fuperftition nor to edificatioun; and requeifts Mafter Knox to put the heads in write whilk he thinks neceffar to be wryten to the faids Bifchops. The tenour whereof followes.

The Superintendents, Minifters, and Comiffioners of Kirks within the realme of Scotland, to there brethren the Bifchops and paffours of Ingland, who hes renunced the Romane Antichryft, and does profefse with them the Lord Jefus in finceritie, defyres the perpetuall increafe of the Holie Spirit.

By word and write it is come to our knowlege, Reverend Paftors, that diverfe of our deireft brethren, among whom are fome of the beft learnit

within that realme, are depriuit fra ecclesiastical functioun, and forbidden to preach, and so by you are stayed to promote the kingdome of Chryft, because ther conscience will not suffer them to take upon them, at the comandment of the authoritie, sick garments as idolaters in the tyme of blindnes have usit in the tyme of idolatrie; whilk brute cannot be but most dolorous to our hearts, myndfull of that sentence of the Apostle, saying, If ge byte and devore ane another, take good heid least ge be confumit ane of another.

We purpose not at this present to enter upon the ground whilk we heare of either partie to be aggrieted with greater vehemence then well lyketh us; to witt, whither sick apparrell be to be countit amongs things that is simple and indifferent, or not. Bot in the bowells of Chryft Jesus we crave, that christian charitie may so farre prevail in you, in you we say the Pastors and Leaders of the flocke in that realme, that ge doe not to others that whilk ge would others did not to you; ge cannot be ignorant how tender a thing the conscience of man is; all that have knowledge are not alyke perswadit, get conscience reclaimes not at the wearing of sick garments; bot many thousands both godly and learned are urtherwayes perswadit, whose consciences are continually stricken with thir sentences; Whatt hes Chryft Jesus to doe with Belial? Whatt hes darknes adoe with light? If surp-claithes, cornett cap and tippet, has bein badges of idolaters in the verie act of ther idolatrie, what hes the preacher of Christian libertie and the oppin rebuiker of all superstitioun to doe with the dregges of that Romish beast; gea what is he that ought not to feare either to take in his hand or foirheid, the print and marke of that odious beast? Our brethren that in conscience refuses that unprofitable apparrell, does neither damne nor molest you that use sick vaine trifles: If ge fall doe the lyke to them, we doubt not but therein ge fall please God, and comfort the hearts of many whilk are woundit with the extremitie that is usit against these godlie and our belovit brethren. Colour of rhetorick or manly perswasion will we use none, bot charitable we desyre you to call that sentence of Peter to mynd, Feed the flocke of God whilk is committed to your charge, careing for it not be constraint bot willinglie, not as thogh ge were Lords over Gods heritage, but that ge may be ensamples to the flocke. And farther, also, we desyre you to meditate that sentence of the Apostle, saying, Give none offence neither to the Jewes, nor to the Grecians, nor to the Kirk of God. In what conditioun of tyme ge and we both travell in

the promoting of Chryfts kingdome, we suppose you not to be ignorant, and therfor we are more bold to exhort you to walke more circumspectly, then that for sick vanities the godly shoulde be troubled; for all things that may seeme lawfull edifie not. If the comandment of the authoritie urge the conscience of you and of our brethren farther than they can beare, we unfainedly crave of you, that ye remember ye are callit the light of the world, and the salt of the earth. All civill auctoritie hes not the light of God alwayes shynyng befor the eyes in there statutes and comandments; bot there affectiouns favour over meikle of the earth and of worldlie wisdom, and therefore we thinke ye shoulde boldly oppone yourselves to all that power that will or darre extoll itself, not only agains God, but also agains all sick as darre burdein the consciences of the faithful, farther then God hes burdeinit them be his awin word. Bot heirin we may confesse our offence, in that we have entrit farther in reasoning then we purposed and promised at the beginning; and therfor we shortlie returne to our former humble supplicatioun, whilk is, that our brethren who among you refuse the Romish ragges, may find of you, the Prelates, sick favour as our Heid and Master comands every one of his members to shaw to another; whilk we looke to receive of your gentlenes, not only for that ye feare to offend Gods Majestie, in troubling of your brethren for sick vaine trifles, but also because ye will not refuse the humble request of us, your brethren and fellow preachers, in whom albeit there appeir not great worldlie pompe, yet we suppose that ye will not so farre despyse us, bot that ye will esteime us to be of the number of them that fights agains that Roman Antichryst, and travell that the kingdom of Jesus Chryst may be universallie advanceit. The days are ill; iniquitie abounds; christian charity alas is waxen cold; and therfor we ought the more diligentlie to watch, for the houre is uncertaine when the Lord Jesus shall appeir, befor whom ye, your brethren, and we, must give account of our administratioun. And this in conclusion, we anes againe crave favours to our brethren, whilk grantit, ye in the Lord shall command us things of double more importance. The Lord Jesus rule your hearts in true feare to the end, and give to you and us victorie over that conjured enemy of all true religioun, to witt over that Roman antichryst, whose woundit head Satan preases by all means to cure againe. Bot to destruction shall he and his maintainers goe, by the power of the Lord Jesus: To whose mightie protectioun we heartlie comit you.

From Edinburgh, out of our Generall Assemlie, and 3 sessioun therof, the 27 of December 1566.

Your loving brethren and preachers in Chryst Jesus,	
[JOHNE CRAIG.	JOHN ROW.
JAMES MELVILL.	DAVID LINDSAY.
ROBERT PONT.	JOHN ARESKINE.
WILLIAM CHRISTESON.	JOHN WINRHAME.
NICOL SPITTLE.	JOHN SPOTSWOOD. C.]

Ordaines ane humble supplicatioun to be made to the Lords of Seceit Counsell, anent the comission of iurisdiction supponit grantit to the Bischop of St Androes, to the effect that ther honours stay the same, in respect that these causes for the maist pairt judgeit be his usurpit authoritie pertaines to the true kirk; and howbeit that for hope of good things the Kirk oversaw the Queens Majesties comission givin therintill to sick men, who for the most part was our brethren, get can the Kirk no wayes be content that the Bischop of St Androes, ane comoun enemy to Chryst, to use that iurisdiction; and als in respect of that colourit comission, he might usurpe againe his auld usurpit auctoritie, and the samein might be the meane to oppresse the haill kirk be his corrupt judgement.

The tenour of the said supplicatioun followes.

The Generall Assemlie of the Kirk of Scotland conveynit at Edinburgh the xxv of December 1566, To the nobilitie of this realme that professes the Lord Jesus with them, and hes renounceit that Roman antichryst, desyre constancie in faith and the spirit of righteous judgement.

Seing that Satan, be all our negligence, Right Honourable, hes so farre prevailit within this realme within these late dayes that we do stand in extreame danger, not only to lose our temporal possessiouns, but also to be depriyvit of the glorious evangell of Jesus Chryst, and soe we and our posteritie to be left in damnable darknes; We could no longer contane ourselves, nor keep silence, least in so doing we might be accuseit as guiltie of the blood of sick as fall perill for lake of admonishment, as the Prophet threatens. We therfor in the feare of our God, and with greife and anguish of heart, complaines unto your honours, gea we must complaine unto God,

and all his obedient creatures, that that conjured enemie of Jefus Chryft, and cruell murtherer of our brethren moft fallie flylit Archbifhop of St Androes, is reponit and reftoreit, be figurat paft, to his former tiranie ; for not only are his ancient jurifdictiouns (as they are termit) of the hail bifhoprick of St Androes grantit unto him, but alfo the executioun of judgement, confirmation of testaments, and donation of his benefices, as more amplie in his figurat is exprest. If this be not to cure the head of that venomous beaft, whilk once within this realme, be the potent hand of God, was fo banifhed and brockin downe, and be curing it wold not hurt the faithfull, judge ge. His ancient jurifdictioun was, that he with certaine his collegues collaterals, might have dampnit of herefie as it pleafit him, and then to take all that were fufpect of herefie. What they have judged to be herefie heirtsofir ge cannot be ignorant ; and whither they remaine in ther former malice or not, ther plots and travells oppinly declares. The danger may be fearit, fay ge, but quhat remedy ? It is eafie and at hand, Right Honorable, if ge will not betray the caufe of God and leave your brethren, whilks never will be more fubieet unto that usurped tyranie then they will unto the devil himfelfe. Our Queine belyke is not-well informit ; fcho aucht not, nor may not juftly break the lawes ; and fo confequentlie, fcho may not fett up againft us, nor without our confent, that Romane Antichryft againe : For in ane lawfull and moft frie parliament that ever was in this realme before, was that odious beaft depyvit of jurifdictioun, office and auctoritie within this realme. Her Majeftie at her firft arrivall, and be diverse her proclamatiouns fenfyne hes exprefly forbiddin all other forme and fact of religioun, but that whilk fcho fand publickly eftabliſhed at her arriveal ; therfor fcho may not bring us, the greateft part of the fubjects of this realme, back again to bondage, till that als lawfull and als frie ane Parliament as juftlie damned that Antichryft and his usurped tyranie, have given decifioun betwixt us and him. Heirot and of uther things that no leffe concernes your felves then us, ge plainly and boldly admonifh our foveraigne, and without tumult only crave juftice. The tyrants darre no more be fein in lawfull judgment nor darre the howlets in the day light. Weigh this matter as it is, and ge fall find it more weighty then to many it appears. Farther at this prefent we complain not, bot humblie craves of your Honours ane reaſonable anfuer quhat ge will do, incase that fiek tyrants, and invadeing wolves, be givin to devore the flocke of Jefus Chryft within this realme, under quhat title that ever it be ; for this we boldly confeffe, that we will never acknow-

ledge, neither pastors to our souls, nor yet judges to our cause. And if that, for denyall therof, we either suffer either in bodie or goods, we doubt not but we have not only a judge to punish them that unjustlie trouble us, but also an advocat and strong champioun in heavin, to recompence them who for his namesake suffer persecutioun: Whose holie spirit rule your hearts in his true feare to the end. Your Lordships answer we againe crave. Given in the Generall Assemblie and thrid Session therof, at Edinburgh the 27 of December, 1566.

[The Assemblie appointed the bishops of Galloway and Orkney, the Justice-Clerk, and David Forrest, Mr John Row, David Lindsay, Robert Pont, William Cristeson, to reconsider and revise the answer made be Mr William Ramfay, one of the masters of Sanct Salvators colledge, to Henrie Bullingers book anent abuses of preachers in England.

The Assemblie being advised with the interpretation of the Confession of the kirk of Zurich, be Mr Robert Pont, ordained the same to be printed, together with an epistle sent be the Assemblie of the Kirk of Scotland, approving the same, providing a note be put in the margin, where mention is made of the remembrance of some holy days.

This confession was penned be the pastors of Zurich, and is otherwise called the latter Confession of Helvetia: It is allowed and subscribed, not only be the Tigurins themselves and their confederates of Berne, be Schaphausen, Sangallia, Rhetia, Millan, and Viemid, but also Geneva, Savoy, Polonia, and Hungaria. In this confession, superioritie of ministers above ministers is called an humane appointment; confirmation is judged to be a device of man, which the kirk may want without damage; baptism by women or midewives condemned: Item, prolix and tedious publick prayers hindering the preaching of the word; canonical Hours, that is, prayers to be chanted and often repeated at sett times, as the popish manner is; heaping up of ceremonies in the kirk, to the prejudice of Christian libertie; observance of saints days: But this Assemblie would not allow the days dedicat to Christ, the circumcision, nativitie, passion, resurrection, ascension and pentecost days, but took exception against that part of the Confession.

The bishops of Galloway and Orkney, the Justice Clerk, Mr Robert Pont, David Lindsay, William Cristeson of Dundie, George Lesley of Stramigloe, William Ramfay and David Forrest were appointed to receive and decide questions, and report their decisions. C.]



Questiouns and ther Anfuers.

Ane certaine married man past to the wares of Denmark about four zeirs fyne; his wyfe hes joynit her selfe within this twa zeir to ane uther man in whooredome; now they defyre to be married, becaufe they have the attestatioun of twa unsuspectit witnesses, wha spake with Captaine Clark that her husband was slaine in the Castell of Barronburgh in Denmark, upon Pasch day bygane ane zeir. Queritur, Whither if the parties may be joynit in lawfull mariage or not?

Ordaines the names of the man and woman to be givin up to the sessioun of the kirk wher they dwell, to be accusit criminallie for ther offences, givin in tyme of her husbands lyfe, or befor the knowledge of his death, scho joynit her bodie to the uther man, that they both may be punischt accordinglye.

Ane man forwarnit that he might not marie his father brothers daughter, past in contempt of the kirk, and was married in the Chappell Royall December 1566. Queritur, What ordour shalbe tane therwith?

Ordaines, To delate the proces to the Justice Clerk and kirk, and declare ther names to the effect they may be punisht.

And farther, becaufe diverse persons, alsweill women as men, who are separate for adultery, the partie offendand joynes themselves in mariage againe, contrair to the law of God, wherthrow great scandals and inconveniencies followes.

Ordaines the superintendents to admonish all ministers within ther jurisdictiones, that none joyne any partie separatit for adulterie in mariage, under paine of removeing from the ministrie.

[It was asked, What order should be taken with such as have communicated at the Lords table, and afterwards became witnesses at the baptism of children baptized by a papistical priest in a private place? It was answered, After admonition, let the censures of the kirk be used. C.]

Sess. 4<sup>ta</sup>. 28 Dec. 1566.

Anent bischops, abbots, priors, and uthers persons benefices being of the kirk, who receives teinds and awaites not upon the feiding of the flocke committit to ther cure, neither presents themselves to the General Assemblie.

Ordains all superintendents to fumound and warne all bifchops, abbots, &c. that receives teyndis within ther iurifdictiouns, and wher no superintendents are, that the superintendent neireft fend his lettres to the minifters nixt adjacent therto, to fumound the foirfaids perfons to compeir at the nixt Generall Affemblic, to give ther affiftance and counfell to the faid Affemblic in fick things as appertaines to Chriftian religion and preaching of the true word, and farther to know the ordinances of the kirk to be made theranent, &c.

[The superintendent of Angus defired to be exonered of his burdenfome calling, in refpect of the weaknefs and debilitie of his bodie, wherby he was unable to execute that charge as was required; but the Affemblic wold not altogether exoner him, but permitted him to appoint fome of the beft qualified within his bounds, to vifit when he found himfelf unable. C.]

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A. D. M.D.LXVII.

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THE Generall Assemblie of the Kirk conveinit at Edinburgh, in the Nether Tolbuith therof, the 25 day of Junij 1567. In the quhilk were present the Erles, Lords, Barrons, Superintendents, Ministers, and Comissioners of Townes. The invocatioun of the name of God was made be Mr John Craig, Minister of Edinburgh.

Seff. 1<sup>a</sup>. 25 Junij 1567.

For eschewing of confusioun in reasoning, the whole Assemblie present conveinit nameit Mr George Buchanan, principall of St Leonards Colledge, moderator durieng this conventioun, who accepted the charge hac vice.

The kirk appointit the Lairds of Dun and Bargany to passe to the Lords of Secreit Counsell, and to requiest ther Lordships to conveyne and concurre with the kirk presentlie assemblit, for heiring of sicker articles as false thought good for the establishing of Gods word, the true religion, and supporting of the ministrie within this realme.

[Some were appointed to decide questions which were to be proponed, and to revise the order of excommunication penned be Mr Knox, and to report their judgement to the Assemblie. C.]

Seff. 2<sup>a</sup>. 26 Junij 1567.

Forfameikle as it is thought good be all the brethren presentlie conveinit, that ane Assemblie Generall be appointit to conveyne againe the 20 day of July next to come, in this towne of Edinburgh, for the setting forward sicker things as fall at that tyme be proponit; and for that purpose ordaines to wryte missives to all and sundrie erles, lords, barrons, and uthers brethren, requyring them to conveyne the said xx day of Julij, and to that effect appointit also comissioners to present the said missives, and requyre according to ther commiffiouns.

Tenour of the faids lettres missive, sent to the faids erles, lords, barrons, comendators of abbayes, followeth :

My Lord, (or Worshipful Sir,) after our maist heartlie commendatioun of service in the Lord Iesus: Having now of lang time travellit both in public and private with all the Estates, continually craveing of your Honours in special, that the course of the Evangell of Salvation, now once of the liberal mercie of God restorit to this realme, might continue to all your comforts, and your posteritie; and that for the maintenance and furthering thereof, ane perfyte policie and full libertie might be grantit to this reformat Kirk within Scotland, the ministrie, the pure and failzeit provydit for sufficiently, as God and all good police and civil lawes ordaines and requyres; and that all superstition and idolatry, and the monuments therof, might be utterly removit and banishit out of this realme, quhilk God of his infinite mercy hes so lovingly and willingly callit from darknes to light. This matter indeed was lyked of all men; but sick impediment gave the enimie of the Kirk in his members to stay the good worke of God, that moeyen could there none be had, but be the contrair, at every light occasion, the ministrie frustrat of all lyfe and sustentatioun; the lamit and impotent members of Chryst lying in the street as dung, perishing for hunger and cold, gea and the whole flock of Iesus Chryst within this realme continuallie threatnit with the execution of that most cruell decreit of the last counsell of Trent, wherin was determinit and decreeit to make ane sacrifice of the whole professors within all Europe, be the tyranny of that Roman Antichryst. We are not ignorant how farre the samein was attemptit be way of deid within the realme of France, how farre now in Flanders and the parts neir adjacent therto; and also quhat practising to that effect hes bein continually thir thrie geirs by past, and even now of late dayes, within our awin bowells, be our commoun conspired enemies, alswell within as without this realme, how they were bent to ther enterprize, if God had not of his meere mercie preveined beyond all our knowledge and expectatioun, ther cruel and craftie practises. Upon the quhilk consideratioun, the Assenblie at this present convention of the Kirk, accustomit at the course of tyme occureand, hes thocht it needfull to repaire the decay and ruine of that Kirk so vertueously begun amongst us be ane universall concurrence and consent of the hail professors of Chryst Iesus within this realme, and be the same meanes to meet the forsaid dangers hingand over our heids, pro-

ceiding from the craft of our implacabill enemies, alſweill within as without the ſame ; and to that effect heſ ordainit ane Generall Aſſemblic of the hail profeffors of all eſtates and degries within the kirks of Scotland, to be haldin heir within this towne of Edinburgh, upon the xx day of this nixt moneth of Julij, quherby ane perpetuall ordour may be takin for the libertie of the Kirk of God, ſuſtentatioun of the miniſters and ſailgeit members therof, and that ane fure union and conjunctioun may be had amongſt the hail members for the libertie of Gods Kirk, quherby we may be able to withſtand the rage and violence of the forſaids enemies. And becauſe it heſ pleaſed the goodnes of God ſo to move your Lordſhips heart, that ge are a notable inſtrument and member of his Kirk, as our hope is, ſo fall our prayer be, that ge may continue increaſing from vertue to vertue unto life everlaſting, we thoght it our duetie, in name of our hail brethren heir conveyit, to notiſie to your Lordſhip the foirſaid appointment of the ſaid Aſſemblic, and in the name of the Eternal our God, to recomend to your care and ſolicitude the building of this ruinous houſe of God within this realme : Requyreing alſo in his name, that ge will give your perſonal preſence, your labours and concurrencis to that effect, as in the forſaid Aſſemblic to be haldin the ſaid day, that the hail body may be comforted be the preſence and good advyce of ſo notour ane member therof. And becauſe we doubt nothing but your Lordſhip ſalbe preſent, ſhewing ſo long experience of your good part in all tymes paſt, we ceaſe to trouble you with longer letter, referring the reſt to be declarit be our brethren the comiſſioners of the Kirk, who to this effect are direct to your Lordſhip, and uthers our brethren in theſe partis ; and we for our part, with earneſt prayer to God, fall pray to augment in you his love and feare, and bleſſe your Lordſhip to the comfort of his Kirk, Amen. From Edinburgh, the 26 of Junij 1567.

We your Lordſhips to command with ſervice in Chryſt Jeſus, in  
name of the reſt of our brethren,

JOHN KNOX.	JOHN ERSKINE OF DUN.
JOHN ROW.	JOHN SPOTISWOOD.
JOHN CRAIG.	JOHN DOWGLAS.

The names of the perſons to whom this letter was directit, are the Erles Huntlie, Argyle, Caſſills, Rothes, Crawford, Menteith and Glencarne,

Lords Boyd, Drummound, Sanchar, Herreis, Cathcart, Yester, Mr. of Grahame, Fleming, Levingstoun, Forbes, Salton, Glames, Ogilvie, Mr. of Sinclair, Gray, Oliphant, Methven, Inermeath, Mr. of Somervell, Barrons, Lochinvar, Gairles, Sherriff of Air, Glenurquhair, Sir James Hamiltoun, Bonytoun, Comendators, Arbroith, Kilwinning, Dumfermeling, St. Colmes, Newbottle, Halyruidhouse.

The Superintendents and Quarters of countreyes were ordained to direct this letter to the fairfaids perfons severallie.

Tennour of the Commissiouns givin to every ane of the fairlaidis  
Commissiouners, within every ane of ther bounds respectiue,  
followes :

Forfameikle as Satan this long tyme in his members hes so rageit and perturbit the good successe and proceeding of Chrysts religioun within this realme, be craftie meanes and subtile conspiracies, that the same from tyme to tyme doeth decay, in hazard altogether to be subvertit, unlesse God of his mercie find hastie remeid, and that cheiflie through the extreame povertie of the ministers who ould preach the word of lyfe to the peiple, who thierthrow are compellit, some to leave the vocation alluterlie, and some uthers so abstraet be carefull povertie, that they may not insist so diligently in the exercise of the word as they wold doe; and therfor the kirk presentlie conveinit at Edinburgh in this Generall Assemblie, hes thocht it most necessar be thir presents to requeist and admonish most brotherlie all sick perfons as truely professes the Lord Jesus within this realme, of what estate or degrie thatevir they be, asweill the nobilitie, barrones and gentlemen, as all uthers true professours, to conveine in Edinburgh the 20 day of Julij nixt, in ther personall presence, ther to assist with the counsell and power, for ordour to be tane asweill toward the establisshing of Chrysts religioun univervallie throughout this haill realme, and abolishing of the contrair, whilk is papistrie, as the sustentation of the ministers, not only for the present tyme and instant necessitie, but also for ane perfyte ordour to be tane and establisshed in all tyme comeing, toward the haill libertie of the patrimonie of the kirk, and the due restoring of the same to the just professours therof, according to the word of God: With certification to all and fundrie, of what estate and degrie so evir they be that compeirs not, due advertisement being made, that they falbe repute

heirafter as hinderers of this godlie purpofe, and as diffimulat brethren, unworthie to be eftimit heirafter of Chryfts flocke, feing God of his mercie at this prefent hes offerit fome better occafion nor in tymes bygane, and hes begun to tred downe Satan underfoote. And for the dew requitioun and admonitioun, in name of the eternall God, to the effect foirfaid, to all and fundrie the brethren, alſweill to brugh as to land, the kirk prefentlie conveyit in this Generall Affembly, be thir prefents gives ther full power and commiffioun to ther lovites N. and N. for the bounds of N. In verificatioun heirof thir prefents are fubfcriyvit be the comoun clerk of the kirk, in the faid Generall Affembly, and 2 Seff. therof, haldin at Edinburgh, the 26th day of Junii 1567.

Seff. 3<sup>a</sup>. 27 Junij 1567.

[Mr John Row, miniſter of Sanct Johnſtone, was ordained to attend upon the printing of the commiffion direct be the Kirk, for prefenting of the forfaids miſſives, and to bring ſo many as ſhall be neceſſarie to be ſent, to be ſubſcribed be the clerk of the Affembly, and the names of the commiſſioners to be inſert accordingly. And in like manner ordained Mr John Wood to cauſe write ſo many miſſives as ſhall be needfull, to be ſent to the earles, lords, and barrons, and other brethren, and to return the ſaid miſſives to be ſubſcribed and directed.

Mr John Davidſone and Mr David Wemes, miniſters of Hammiltoun and Glaſgow, were ordained to paſs to Lanerk, and there to convene the balgies and counſellours of the ſaid town, and to require them to aſſiſt John Leverance miniſter, and to puniſh maniſeſt offences, maintain Chriſtian religion within that town, and to ſupport the ſaid miniſter with things neceſſary for his ſuſtentation; and if they deny to doe the ſaid premiſſes, then the forſaid miniſters to give to the ſaid John Leverance their teſtimonial of ſimple demiſſion from the ſaid kirk of Lanerk, and libertie to be placed wherſoever it ſhall pleaſe God to call him.

Mr John Row, Mr John Douglafs rector, Mr John Craig, William Chriſteſon miniſter at Dundie, Mr Robert Hamiltoun miniſter at Irving, Mr Robert Hamiltoun miniſter at Sanct Andrews, Mr James Melvill miniſter at Tannades, appointed in the firſt ſeſſion to decide queſtions, report their decifiſions at this ſeſſion. C.]

## Questions and ther Anfuers.

Ane man being accuſeit of notorious fornication, promiſeit faithfullie to the miniſter for the tyme to abſtaine in all tymes comeing from all ſocietie of that woman, and in cace he chancit to have any deale with her heirafter, he ſould marie her; therafter he medlit with the ſame woman. Queritur, Quhether this man may be compellit to keip the foirſaid promiſe of mariage or not?

The kirk dicernes all ſick promiſes to be of none effect, and that none be compellit to marie upon ſick promiſes; and ordaines this offender to be puniſhed for his offence.

Quhether if it be lawfull to marie her quhom he befor, in his wyfes tyme, had pollutit with adulterie, his wyfe now being dead. The kirk will not grant that thing to be lawfull quhilk Gods law damnes, neither yet admitt any ſick mariages, for cauſes conteinit in the law.

Ane man being divorceit for adulterie, queritur, Quhether he may marie again lawfullie or not? The kirk will not reſolve heirin ſchortlie, bot preſentlie inhibites all miniſters to meddle with any ſick mariages, quhill full deciſion of the queſtion.

Seſſ. 4<sup>ta</sup>. 28 Junij 1567.

Anent ane complaint given in be the brethren of the kirk of Machlen, that quher they had, be the juſt law of God, pronouncit the ſentence of excommunication againſt Johne Spottifwood of Foullar, ſome tymes ane elder of the ſaid kirk, for the horrible cryme of adulterie committed be him: Nottheles, Sir William Hamilton of Sanquhar knight, now an elder of the ſaid kirk, plainly mantaineth the ſaid John in his houſe, notwithstanding and the ſaid John is excommunicat, to the greater ſlander and offence of God and his law. And albeit the ſaid Sir William hes bein diuerſe tymes admoniſhed to withdraw his familiar companie fra the ſaid John, yet will not abſtract the ſame, to the offence of many; requyreing the kirk preſentlie aſſemblit to take ordour heirin according to the wiſdome of the brethren preſent, that farther ſlander ryſe not thertthrow.

The kirk ordaines ane letter to be ſent to the ſaid Sir William, requyreing him to remove the ſaid John Spotifwood out of his companie, and the



fame to be fubfcrived be the fcrype of the Affembly; the tenour wherof followeth.

Right Worſhipfull, &c. Forſameikle as we are informit be the miniſter and ane part of the elders of the kirk of Machleine, that ane called John Spotifwood, ſometyme ane elder of the ſaid kirk, for the adulteries committed be him in the tyme he was ane elder, and the fame beend ſufficientlie provin, hes bein and is excommunicat: Nottheles ge now being ane elder of the ſaid kirk, contrair to your charge and vocation, mantaines and keips in your companie the ſaid Johne, notwithstanding diverſe admonitions made to go to put him therfra, to the great contempt of Gods ordinance, and ſlander of the kirk of Jeſus Chryſt; quhilk we lookit not for at your hands, being placeit in ſo honorable ane rowme within his kirk. Heirfor this is moſt heartlie to requyre you, in the name of the eternall God, and as ge look to reigne with his Sonne Jeſus Chryſt for ever, to remove from you all manner of ſlander, and be not partaker of uther mens fins, bot remove from your ſocietie that wicked perſon, who being abhorreit be the faithfull, may be Gods grace repent his impietie, and returne to that companie of the faithfull, fra the whilk be his haynous offence he hes ſo horriblie fallin; in the quhilk doing ge fall not onlie pleaſe God, but alſo have praiſe of us your brethren: Utherwayes we may not with ſafe conſcience ſuffer ſick mantaining of maniſt wickedneſs, but muſt oppone ourſelves therunto, and uſe the cenſures of the kirk alſweill againſt the maintainer as the committer of maniſt crymes. Thus wiſhing unto you the ſpirit of righteous judgement, comitts you to the protection of the Omnipotent. From Edinburgh, out of our Generall Affembly, and 4th Seſſioun thereof, the 28 of Junij 1567.

The haill kirk thocht good that ane publick faſt ſould be proclaimed in the towne of Edinburgh only, to begin on Sunday the 13 of Julij nixt, and on Sunday the 20 of the ſame. And ſo was the Affembly diſſolvit, and appointit the 20 day of Julij nixt to come into the towne of Edinburgh.

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A. D. M.D.LXVII.

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THE Generall Affemblie of the Kirk of Scotland, conveyit at Edinburgh, in the Over Tolbuith of the same, the 21 of July 1567. In the quhilk were affemblit Erles, Lords, Barrons, whose names are wryten after the articles be them subscriyvit, with the Superintendents, Ministers, and Commissioners of townes. Thanks was givin to God be Mr John Craig Minister of Edinburgh.

[Mr John Row Minister at St Johnston, was chosen Moderator.

It was ordained, That the brethren of every shire should chuse some out of their number, and the ministers likewise chuse so many from among themselves, to reason and confer upon the affairs of the Kirk, and to form articles in writ, and present the same to the Affemblie, to be considered. C.]

Seff. 2<sup>da</sup>. 22 Julij 1567.

[The Commissioners appointit to deliver their missives to the Earles, Lords, Barrons, and other brethren nominat, exhibited their Rolls. The Earle of Argyle his letter, excusing his absence, alledged, that the brethren already affembled in Edinburgh were in armes, and so far as he understood, the rest were to come likewise in the same manner, and he not being privie to ther proceedings, nor having yet joined himself to them, therfor he could not at this time be present: In the mean time desireth, that no innovations be attempted till the meeting of the other brethren; so much the rather, because their adversaries would not allow of their doings; promifeth in the mean time to continue in the maintainance of true religion.

The Commendator of Arbroth alledged the like reasons for his absence. C.]



Tenour of the Lettres of Excufation of the Erle of Argyle, of his abfence fra this Affembly, followeth :

After our moft heartlie commendations; we have receavit your wrytings, underftandand be the fame your earneft travells and godlie zeale in erecting of this our Kirk within Scotland, according to our dewties and your Affembly to this effect, quherunto ye have defyreit us; get fomething having in admiratioun, that ye fould have assignit your Affembly, quherunto ye defyre the principall members of the haille Kirk, without their awin advyfe and univerfall confent, having concurrut with them of befor, alſweil anent the places of Affembly, as in matters to be treated in the fame; be reafon the brethren els affemblyt in Edinburgh ar in armes, and as we underftand the reft that are to come ther comes in the lyke manner, quhilk is farre by the ufe and accuftomit manner and fafhion that we have feen of befor; and as it is not unknowin unto you quhat varietie is prefentlie in this realme, get not doubting their intents and myndes to be only directit as ye have afore ſhawn; nottheles, becauſe our brethren els affemblyt in Edinburgh are in armes accompanied with men of warre, we not being participant with ther proceeding, neither get hes adjoynit ourſelves therintill, cannot at this tyme be prefent in the places appointit, according to your defyre; get affuring you, lykeas in tymes paſt we have not only beſtowed our goods in the maintenance of Gods cauſe, but alſo hes hazard our life and freinds in the ſame ſute, we mynd ſtill to continue; and ſen the impediment of our conveyeing, albeit willing to all godlie proceedings, is for the cauſes afore ſpecifiet, in the mean time we will earneſtly requeiſt you, that no innovations or alterations be made or attempted quhill our meeting, quhilk we truſt to God ſhalbe ſhortlie; ſo that nane of our brethren, nor we in abſence, have occaſion to miſlike any of your proceedings, becauſe ſick grave matters requyres ane comoun confent, alſweill in ther approving, as that they may be the better borne out; for your awin wiſdomes, we doubt not, will conſider the factious of our adverſaries, that they will never allow our doings; and therfor it is more than neceſſary there be no diverſitie of myndes amongſt ourſelves; ſea we will find all matters frame the better if we be all prefent when they are concludit. So not willing to impeaſche you with farther lettre, hes committed farther of our mynd to this bearer, your ſervitor, to whom pleaſe give credit: And ſwa comitts you to God. Of But, the 28 day of Julij 1567.

Yours, affurit in the Lord,

AR. ARGYLL.

The tenour of the commendators of Arbroth, Killwinning, and my Lord Boyds exculatioun, aggrieng in all points as followes.

After most heartlie comendatiounes in the Lord Iesus; we have receivit your wryteing daittit at Edinburgh the 26 day of Junij, shawand in effect, albeit God of his goodnes hes send the light of the evangell of salvation within this realme to the great confort and prosperitie of all the faithfull within this realme and ther posteritie; yet nevertheles Satan with his ministers, at every light occasioun, hath frustrat in tymes by past the ministers of ther life and sustentatioun, the lame and impotent members of Chryst asweill frustrate of ther livings, dieing in the streits for hunger and cold, and the haill flock of Chryst Iesus within this realme continuallie threatened to be made sacrifice of, be the practife of the enemies, as your wryting containis at lenth; for in meiting of the quhilk, and provideing of remeid therto, ge desyre us to be in Edinburgh the 20 day of this instant, at the Assembly of the Kirk, quherby ane perpetuall ordour may be takin for the libertie of the kirk of God, the sustentatioun of the ministrie and sailgeit members therof, so that the haill members of the kirk might, be sure unioun and conjunctioun, be more able to gainstand the violence of the foirsaid enemies. For answer, it is not unknowin unto you, how the nobilitie of this realme are devydit, be reason of the Queens Majesties haldin quher scho is; and that the towne of Edinburgh, quher ge desyre us to conveyne, is keipit straitlie be one part of the nobilitie and men of warre of their retinew, to quhose opinioun we are not adjoynit as yet, and therfor we cannot thinke ourselves sure to conveyne the said day and place ge desyre us to keip, and els thinks marvell the haill multitude of Protestants within this realme shuld have been desyreit to have conveynit in sicker a place, the matter standand as it does. Nevertheles we for our awin pairt salbe weill willing at all tymes to sett forward the light of Christs evangell to be truely preachit, and the ministers thereof to be sustaint, and the furth setting of the policie concerning the kirk in all forts, so farre as it may stand be ane law, lykeas we have bein in all tymes by past, sen it pleased God to open our eyes and shew the light of his blessed word: And thus will cumber you with no langer letter, bot prayes God to have you in his eternall protectioun. Of Hamilton 29 of Julij 1567.

Your loving freind at power, in all godlines,  
Arbrothe.

## Aberdeine Excusatioun.

Right Honourable and welbelovit Brethren: After our heartlie commendatioun in the Lord Iesus, this present is to advertise you that we have receivt your letter, and at the requisition of our minister and proveit having commillion therto, hes sightit, fein, and considderit your wryting and act of the Generall Assemblie, in the quhilk is containit the great labours tane be Satan and his members, makand impediment to the proceedings of the evangell and fourth setting of the glorie of God, sustentatioun of the ministrie, the poore and neidie, and the contrair now to be provydit be the Assemblie Generall of the Christian kirk of this realme, now to be convenit be the xx day of Julij instant; craveing of us our concurrence to the effect forsaid, together with our personall presence. It fall please your wisdomes to understand, and most assuredlie to beleive us professours of the evangell within the burgh of Aberdeine, to be of ane mynd, and be the grace of God to continue to the mantenance of the furthsetting of the glorie of God, teaching of the true evangell, and sustentatioun of the ministers, with help unto the poore; and unto the tyme your wisdomes with the nobilitie find ane ordour universall for the ministrie, we fall for our awin pairt, God willing, sustaine our minister, sa that of reason he fall have no cause of plaint, and to the poore, according to our power, doe semblable as uthers burrowes fall take ordour; and as to our personall presence to conveyne at this tyme, hes givin and send our minister, Adam Herriott, to concurre and assist in our name to the effect forsaid, and to declare unto your wisdomes the impediment of our personall presence at this tyme; craveing your wisdomes, notwithstanding of our absence, to credit us faithfullie to abyde at your decree, to be sett out be you and the Assemblie to the effect forsaid, and to mantaine the same with our bodies and goods as tyme fall requyre. And farther having no occasion for the present to wryte, comitts you to the protection of the Highest. Wrytin the 12 of this instant Julij, and subscriybit with our proveits hand, at our command at Aberdein, be them that are your assurit.

• Thomas Meingies.

[The Assemblie appointed some brethren to convene in Mr James Macgills house, to visite and advise upon the assignations made latelie be the Queen to the ministers, and of the payment thereof. C.]

Seff. 3<sup>a</sup>. 23 Julij 1567.

Certaine brethren was appointit to conveine to lie and advyse upon the assignatioun of the stipends of the ministrie latelie assignit be the Queens Majestie the good payment, who fand in effect as followes.

We have sein the assignatiouns within the schirefdomes of Kincardin, Forfare, Perth, and Fyfe, and finds that all the heale conteinit therin, at least for the most part, hes bein thankfullie payit, and that the collector hes givin his charges for payment therof dewlie, and rests nothing but to put them to the horne; that ther be lettres directit and commissioun givin in the saids lettres, with consent of the thesaurer, to collect and uptake the hail fruits of the benefices of so many as passe to the horne for the lxvi geir, and sicklyke for the lxvii geir instant, so long as they remaine at the horne, and to make count of the thrid to the ministrie, and sa meikle of the twa pairt as they intromett with to the thesaurer as escheitt. And as to the victualls within the forsaids shires, we find that long before any lettres raisit upon this assignatioun, and before the baptisme of the Prince, they were fault be the comptroller; and therfor he man be chargeit in his compts to rander sa meikle of the pryces heirof againe to the ministrie as is containit in this assignatioun. Tuiching the thrids of the ministers assignatioun beyond Die, except Orknay, finds be the collector, that the lxvi geirs crope is not usit to be payit whill Lammes in the lxvii geir and after; and for executioun givin to him within the bounds, fall passe with possible diligence, and charge that hail bounds according to the lettres, of the quhilks he suppones good payment as hes bein of befoir, except the bishoprick of Caithnes, quhilk the collector alledges the bishop payes to his ministers of his awin kirks, conforme to the booke and compts made of befoir.

Item, Deare, Dunet and Pillorth are givin frie to the Erle of Marchell and freirs of Aberdein, and Captaine Lauders; bot it is understand that all the gifts are revockit, and therfor the collector is to charge them.

Item, that victualls within the same bounds are fault ut supra; and therfor the comptroller in his comptis fall rander conforme to the 1 Article.

Item: be fouth Forth nothing gotten in; bot the collector alledges that Duncane Livingstoun hes tane up ij<sup>c</sup> xxxvij li. ij s. ij d. as he hes

grantit be the particular reffaitt, and therfor he man be chargit to delyvor the same to the said collector.

Item, of the thrids that is conteinit within this collectorie, that is alledgit discharged. The thrid of the Abbay of Cambukineth to iij<sup>c</sup> xxxiiij ti. ij š. 8 d. iij chalder beir, and iij chalder meill.

The thrids of [Inchmahomo] lv ti. 6 š. 8 d. ij chalders beir, iij chalders meill.

The thrids of Drybrugh, iij<sup>c</sup> iiij ti. and 62 pairt boll wheat, viij chalders, 2 bolls, 2 pairt boll beir, vij chalders, x bolls, 2 pairt boll meill.

The thrids of Melrofe, Haddingtowne and Northberwick; the thrid of Kelfo and Coldinghame.

As to Dumfrieis, Annandaill, Kirkudbright and Wigtown, the Bifchop of Galloway hes deput certaine collectors for fatiffa<sup>c</sup>tioun of the miniftrie within the same.

Item, within Kyle, Carrick, Cunninghame, executiouns past, and beleviis to have payment at the nixt ganging in the countrey. Item, Corsraguell is givin frie, and the minister of Failfuid is ill payit.

Memorandum. That the A<sup>c</sup>t be raifit made be the Queens Grace and Secreit Counfell, dischargeand the gifts and taks of all the thrids; and that nane fould be givin heirafter without advyfe of the Secreit Counfell, to the effect the collector may charge notwithstanding any lick gifts.

Remember that ilk collector execute within his bounds, that lettres be directit with consent of the thesaurer according to the first Article.

[Seff. 4<sup>ta</sup>. 24 Julij 1567.

It was thought expedient that the portions assigned to the minifters for 1566 years be diftributed be the collectors already appointed, and that they diftribute the same, according to their rolls to be given be the superintendents and commiffioners which are to be appointed in this Affemblie where there are no superintendents, to the said collectors.

The tennor of the Commiffion which is to be given to the Revifer of the Rolls of Minifters Stipends.

At Edinburgh, the 24 day of Julij 1567. The whole Affemblie in one voice thought meet, anent the affignation of money and victuals be the

Queens Majesty, for the sustentation of the ministry the 1566 years, that the distribution thereof shall be made be the collectors already appointed, according to the tenor of the rolls of appointment of stipends, which the superintendents and commissioners to be appointed shall receive from the keeper of the book of the ministers stipends; and after the said superintendents and commissioners have diligently marked these that are dead, or have not diligently waited on their charges, as they will answer to God and the kirk thereupon, to deliver the rolls to the said collectors, to every one within his own bounds; commending the collectors to pay every minister, exhorter and reader, the third part of that appointed in the rolls for said, the superpluses to be made compt of to the Assemblée.

Sess. 5<sup>ta</sup>. 25 Julij 1567.

The articles advised upon and formed be such as were chosen in the first session, were read publicly in presence of the whole nobility and brethren assembled, and were allowed be them all who were present, and subscribed first be the nobility, and after be the barons, superintendents, and commissioners of towns.

It was ordained, that the commissioners appointed in the last Assemblée should every one of them have an authentic coppie of the articles, subscribed be the clerk of Assemblée, or Alexander Hay scribe to the Secret Counsell; and that the said commissioners require all and sundry earles, lords, barons and other faithful brethren, who excused themselves for not giving their personall presence to this Assemblée, to subscribe the said articles with the rest of their brethren, according to their promises made be word or be write; with certification to them that refuse, that the kirk hereafter will not repute them as members of their body; and to return the rolls of the said articles, subscribed be the scribe of the Assemblée, to the effect their subscriptions may be set down in the Register with the rest. C.]

#### Articles.

The noblemen, barons, and others under-subscribe and in this present Assemblée of the kirk of God, hes aggrievd and condiscendit to the articles after following, at Edinburgh, 20 July 1567.



In the first, forsameikle as there was ane parliament haldin in this realme before the Queens Majesties arrivall in the same, be the estates convenit for the tyme, authorized with her Hienes awin power and commissioun, in the quihilk parliament it was concludit, that the religion of Jesus Chryst then univerfallie receivit within this realme, sould be univerfallie establisched and approvit within the same, and all papistrie with the papists usurpuit jurisdiction, all idolatrie, and in speciall the blasphemous meiss, be abolisched and simpliciter put away, as the Acts made therupon purportis; quihilk Acts, together with the Queens Majesties power to hald the same parliament, the noblemen, barrons, and uthers under-subscryveand, willis to be extractit and put in full executioun as ane publick law, and that the transgressours therof be punishit according to the same, throughout the whole realme without exceptioun. Quihilk parliament, in all things concerning the religioun, they fall defend and mantaine at ther uttermost in the first parliament quihilk falbe haldin, and at all uther tymes and occasiouns convenient.

Item, that the Act already made towards the thrids of the benefices within this realme, principallie for sustentatioun of the ministrie, may be dewlie put to executioun, according to the ordour of the Booke of the appointment of ministers stipends, asweill for them that are to be appointit as for them already placeit, and that the ministers be first dewlie answerit and sufficientlie sustained of the same, to the releife of ther present necessitie, and quhill ane perfyte ordour may be tane and establisched toward the full distributioun of the patrimonie of the kirk according to Gods word; and that also the ordinance made be the Queens Majestie and her counsell toward the finall benefices, now extending to the valour of thrie hundredth marks, be dewlie put to executioun, alsweill toward the benefices quihilk hes vaikit sen the dait of the said ordinance, as concerning them that fall happin heirafter to vaik; and sikk lyke the act made toward the annualls, obits, and altarages of burrowes.

Item, how soone ane lawfull Parliament may be had, or that the occasioun may utherwayes justlie serve, the nobills, barrons, and uthers of the kirk after subscryveand, fall labour and prease to ther uttermost, that the faithfull kirk of Jesus Chryst profess within this realme, falbe put in full libertie of the patrimonie of the kirk, according to the booke of God, and the ordour and practise of the primitive kirk; and that nothing fall passe in parliament unto the tyme the matters of the kirk foirsaid be first confi-

derit, approvit and establihit; and in the meanetyme the professours underfubfcriyeand consents and offers to reform themselves according to the book of God, quhilk they fall put in practife, and the refusers and contraveiners to be secludit fra the bosome of the kirk. And moreover, in the said nixt Parliament, or utherwayes at the first occasioun, ordour salbe tane for ease of the poore labourers of the ground, toward the payment of there teinds in reasonable maner, and how the same fall not be sett over there heids without ther advyse and consent.

Item, that nane be admittit nor permittit heirafter to have charge over schooles, colledges or universities, or zet opinly or publicklye to instruct the gouthheid, bot sikk as hes bein tryed be the superintendents and visitors of the kirk, salbe found sound and able in doctrine, and admittit be them to ther charges.

Item, that all crymes, vyces, and offencis committit agains Gods law, may be severely punishit according to the word of God; and quher lawes are presentlie appointit for the punishment, and judges also to that effect deput, that the execution be made therupon as effeirs; and quher neither law nor judges are appointit for sikk crymes as are to be punishit be the law of God, that in the first parliament the same judges may be appointit, laws establihit, as God commands in his word.

Item, that sen the horrible murder of the King, the Queens Majesties husband, is so odious not only before God, but also the whole world, be continuall infamie and shame to this haile realme, if the same murder fall not be punishit accordingle; therfor the noblemen, barrons, and uthers underfubfcriyeand fall with all ther forces, itrenth and power, concurre and assist to take plaine part together, to further and mantaine the punishment of the said murder on all and quhatfomevir persons that salbe found guiltie of the same, seeing the plague of God fall not depart from the countrey or towne wher innocent blood is shed, befor the same salbe cleansit be shedding the blood of the offenders.

Item, sen it hes pleasit Almightie God of his mercie to give ane native prince to this countrey, appeirand to be our soveraigne, to the end he be not cruellie and shamefullie murtherit as his father was, the nobilitie, barrons, and uthers underfubfcriyeand, fall assist, mantaine and defend the prince against all that wald violently oppresse him or doe him injurie.

Item, that all kings, princes, and magistrates quhilk heirafter in any tyme to come fall happin to beare reigne and rule over this realme, [at] ther



first entres befor they be crownit and inaugurat, fall make ther faithfull league and promise to the true kirk of God, that they fall mantaine and defend, and be all lawfull meanes sett fordwart, the true religioun of Iesus Chryst presentlie confessit and establisht within this realme, even as they are obleischit and astrictit in the law of God, asweill in Deutronomie as in the second chapter of the Booke of the Kings; as they crave obedience of there subiects, so the band and contract to be mutuall and reciproque in all tymes comeing betuixt the prince and God, and also betuixt the prince and faithfull peiple according to the word of God.

Item, that the prince whom God hes givin us, alsweill for his suretie as good educatioun, fall be comittit to wife, ancient, godlie and learned men of the realme, to be brocht up within the same in the feare of God and virtue, wherby he may so profit in his gouth, that when he fall come to his geirs of majoritie, he may be able to discharge himselfe of that honour and place quherto he salbe callit, and prove that good king quhilk with all ther hearts they wisch him to be.

Item, the nobilitie, barrons, and uthers of the kirk undersubscryveand, in the presence of God hes faithfullie promifeit to conveine themselves, together with ther power and forces, and heir to begin to ruit out, destroy and alluterlie subvert all monuments of idolatrie, and namely, the odious blasphemous messe, and therafter to goe fordwart throughout this whole realme, to all and fundrie places quhatsumevir idolatrie is fostred, hanted or maintained, and cheiflie quher messe is said, to execute the reformatioun forsaide, without exceptioun of place or persons; and fall to the uttermost of ther power remove all idolaters, and uthers that are not admittit to the ministrie of the kirk, fra all functioun therof, asweill privat as publick, that they hinder not the ministrie any maner of way in ther vocation; and in place of the premisses, sett up and establisht the true religioun of Iesus Chryst throughout this haill realme, be planting of superintendents, ministers and uthers neidfull members of the kirk; seeing the host of the Lord fall passe through the whole countrey to this effect, and also fall proceed to the punishment of idolaters, according to the lawes therupon pronouncit, and sick lyke fall punisch and cause be punischit all uther vyces that presentlie abounds within this realme, quhilk Gods law and the civill law of this realme comands to be punished, and cheiflie the murther of the King laitlie comittit. And in lyke maner promise faithfullie to reforme schooles, colledges, and universities throughout the whole realme,

and expell and remove the idolaters that hes charges therof, and uthers quho hes not get joynit themselfe to the true kirk of Chryst, and plant faithfull instructors in ther rowmes, to the effect that gouth be not infectit be poysonable doctrine at the beginning, quhilk afterward cannot be well removeit away.

Followes the subsciption of the Erles, Lords, Barrones, and uthers Comissioners presenf for the tyme.

Mortoun, Glencairne, Mar, Hume, William Lord Ruthven, Sanchair, Patrick Lord Lindfay, Grahame, Lord Innermaith, Ochiltree, Sir James Balfour, James M<sup>c</sup>Gill, Tullibardin Comptroller, William Maitland, John Erskine, John Wifchart, Glenbervie, John Cunighame of Drumquhassill, William Kirkadie, John Cathcart of Cariltown, William Moncreiff, Drumlangrick, Bargany, Andro Wood of Largo, Andro Stewart, Robert Fairlie of Braid, Archibald Wood, George Barclay of Mathirs, George Corrie of Kelwood, George Hoome of Spott, Mr William Lundie, Gilbert Kennedy of Dalquharrane, John Melvill of Raith, Quhittinghame, Rassyth, Baro, Pittencreiff, Andro Car in Faudonesyde, Thomas Scott of Harne, Robert Cambell, Henrie Grahame, Johne Fullerton of Dreghorn, Alexander Guthrie of that ilk, William of Craigings, Williame Durhame of Grange, Thomas Dischington, Thomas Scott of Thirlstoun, George Straiton of that ilk, Alexander Creichtoun of Karko, Mr John Wood, Alexander Ogstoun of Fethercarnie, Patrick Kyninmonth, Robert Lindfay, Thefaurer, John Colles, William Meingies, John Mellvill, William Edmeistoun of Duntreith, Robert Murray, John Schaw, John Stewart of Minto, Gilbert Ogilbie of that ilk, James Chalmer of Gaitgirth; Comissioners of townes, for Edinburgh, Alexander Clark bailgie, Mr Clement Litle, Mr John Prestoun, Mr Richard Strang; for Air, Paul Reid, Richard Bannatyne, Gilbert M<sup>c</sup>Millane; for Irwin, Alexander Cuninghame, Alexander comendator of Culros; for Glasgou, Mr David Weymis, James Boyd; for Jedbrucht, William Howburne, Alexander Forrester.

[Names of those that subscribed afterward at the desire of the Commiissioners. William Chirnesyde of Eistnisbet; Kenneth M<sup>c</sup>Kengie, Robert Monro of Foulis. C.]

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A. D. M.D.LXVII.

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THE Convention of the Brethren, haldin in Edinburgh the 15 of December 1567 zeirs, befor the Generall Affemblie of the hail Kirk to begin the 25 of the month forsaide.

First, were nominat and chofen for every province certaine brethren to reason and conferre upon sick things as appeirandly fould be necessar for setting fordward the affaires of the kirk, without prejudice of the Generall Affemblie and actiouns therof.

xxii Decembris 1567.

Anent the crymes of incest and adulterie, and punishment to be takin theranent in the nixt Generall Affemblie, the brethren presentlie conveynit thinks it necessar that every minister, with the elders and deacons, sall search out within ther awin bounds at ther fessliouns the foirfaide crymes, if they be notour; therafter to signifie the same to the superintendent of the dyocie at his synodall conventioun; and he therafter to notifie the same to the supreme magistrat, requyreing him to minister justice and punish sick haynous offences according to the law of God, as he will answer to that Supreme Judge at that day when no respect of persons false had: And wher no superintendent is yet placed, that the ministers, elders, and deacons, declare the faide crymes to the Generall Affemblie, to the effect forsaide.

A. D. M.D.LXVII.

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THE Generall Assemblie of the Kirk conveyit in Edinburgh, in the Nether Tolbuith therof, the 25 of December 1567. In the quhilk were present Erles, Lords, Barrones, Superintendents, Ministers, and Comissioners of Townes and Kirks. The invocation of Gods name was made be Mr Johne Craig ane of the Ministers of Edinburgh.

For eschewing of confusioun in reasoning in this present Assemblie, was chosen Mr Johne Row minister of St Johnstoun to be moderator.

[The Superintendent of Fife was complained upon for not visiting kirks, nor teaching in kirks subjeēt to his charge, nor taking up crymes and offenses to be punished.

Adam called Bishop of Orkney, Commiſſioner for Orkney, being absent, was delated for not visiting the kirks of his country, but from Lambmefs to Hallowmefs. Item, That he occupied the room of a judge in the session, the sheep wandering without a pastor. Item, Because he retained in his own companie Sir Francis Bothuell, a papist, to whom he had given benefices, and placed a minister. Item, Because he solemnized the marriage of the Queen and the Earl of Bothuell, which was altogether wicked, and contrair to Gods law and statutes of the kirk.

Alexander called Bishop of Galloway, commiſſioner, was accused, That he had not visited these three years bygone the kirks within his charge; that he had left off the visiting and planting of kirks, and he haunted Court too much, and had now purchased to be one of the Session and Privie Councill, quhich cannot agree with the office of a pastor or bishop; that he had resigned Inchchaffrey in favours of a young child, and set diverse lands in feu, in prejudice of the kirk.

Certain commiffioners were appointed to vifit kirks: Mr John Knox minifter of Edinburgh, was appointed to affift the fuperintendent of Louthian, in his vifitation from Stirline to Berwick, and therafter to vifit Kyle, Carriët, and Cuninghame. C.]

Seff. 2<sup>da</sup>. 26 December 1567.

[Mr John Craig, David Lindfay, George Buchanan Principall of Sanct Leonards Colledge, and Mr George Hay, or any two of them, were appointed to direct their edicts to all minifters, elders, and deacons of kirks, under the Superintendent of Fife his charge, to compear at Couper the 22d day of Januar, with their complaints againft the faid fuperintendent, to try and report to the next Affembly. C.]

The hail kirk affemblit thocht it meitt, that certaine brethren be appointit to concurre at all tymes with fick perfons of parliament or fecreit counfell as my Lord Regents Grace hes nominat for fick affaires as pertaines to the kirk and jurifdictioun therof, and alfo for decifions of queftions that may occurre in the meane tyme, whofe names followe: Mrs Johne Knox, Johne Craig, minifters of Edinburgh, the fuperintendents of Angus and Lowthiane, David Borthwick, Thomas McCalgean, Mr David Lindefay minifter of Leith, George Hay of Ruthwen, and Johne Row of St Johnftoun.

[Mr Clement Little, Alexander Sim, and Richard Strang, were appointed Procurators, to defend and purfue all Actions pertaining to the Kirk, before whatfoever Judge or Judges; Mr George Makefon was chofen Solicitor, James Nicollon was Comptroller, keeping the rentalls of the Thirds of Benefices, and Affumptions therof. C.]

Seff. 3<sup>a</sup>. 28 Decembris 1567.

[The Lairds of Braid, Whittinghame, and Elphingstone, Mr Alexander Arbutnot, John Braid minifter, were joyned to the Brethren nominat in the Second Seffion, appointed to concur with the Lords of Secret Counfell for decifion of queftions after the Affembly. C.]

Ordaines that Superintendents and Commiffioners appointit fall plant

Minifters vacand in fick rowmis wher the parochiners will gladlie fustaine them on their awin expensis, whill uther ordour be had ; and that they remove none out of the rowmes, being found qualified, without advye and confent both of the Kirk and Minifter that is found worthie of the place.

Seff. 4<sup>a</sup>. 30 Decembris 1567.

[Mr Patrick Craigh minifter of Ratho, for celebrating the marriage of James Lindfay, and a woman whom he had abufed in fornication, without proclamation of bands or a teftimonial therof, and upon a ferial day, contrair to all order eftablifhed in the Kirk, and chiefly ane Act made in December 1565, was fufpended from his miniftrie, and lifting up of his fpend. C.]

Anent the accufatioun laid to my Lord Argyles charge, tuitching the feparatioun betuixt him and his wyfe, declarit that he was not the occafion therof. As to uther offences quhatfoever, qubertthrow he hes bein any wayes slanderous to the Kirk, he was content to fubmitt himfelfe to the difcipline of the Kirk at all tymes moft willinglie ; and therfor the Kirk ordainit the Superintendent of Argyle to take tryall of the faids slanders committit be the faid Erle, and therafter to caufe fick fatiffaction be made as Gods law appoints, and to report the ordour therof to the nixt Generall Affembly of the Kirk, together with his awin diligence in execution of his office of Superintendencie.

[The Bifhop of Galloway, accused for neglect of preaching and overfeeing the kirks within his iurifdictioun thefe three years bygone, and attending upon Court, Seffion and Secreit Counfell. He granted that he offended in all that was laid to his charge. His Commiffion continued till the nixt Affembly, with admonition to be diligent in vifitation. C.]

Anent the Mariage of the Queine with the Erle of Bothwell, be Adam callit Bifhop of Orkney, the haill Kirk finds that he tranfgreft the act of the Kirk in marrying the divorcit adulterer ; and therfor depyvis him fra all functioun of the miniftrie, conforme to the tenour of the act made therupon, ay and quhill the Kirk be fatiffied of the slander committit be him.

The fame day, Mr Johne Craig was bruitit for proclameing the bands betwixt the Queine and the Erle Bothwell ; who anfwerit be word, iustifie-



ing his proceedings theranent, and was ordainit to give in his purgatioun in wryte, to the effect that his good mynd and proceedings may be knawin to all and fundrie that heirafter wald be satisfied heiranent.

### Tenour of the forfaid Purgatioun.

To the end that all that feares God may understand my proceedings in this matter, I fall shortlie declare what I did, and what moved me to defend the same, leaving the fuall judgement of all things to the Kirk. Firſt, be the requeiſt of Mr Thomas Hepburne, in the Queins name, to proclame her with my Lord Bothwell, I plainly refuſeit becauſe he had not her hand wryte; and alſo the commoun brute that my Lord had both raviſcht her and kept her in captivitie. Upon Wedinſday nixt, the Juſtice Clerk broght me ane wryting ſubſcryvit with her hand, bearing in effect, That ſhe was neither raviſcht, nor yet retainit in captivitie, and therfor chargeit me to proclame. My anſwer was, I durſt proclame no bands (and cheiflie ſuch) without conſent and comand of the Kirk. Upon Thureſday nixt, the Kirk, after long reaſoning with the Juſtice Clerk and amangſt the brethren, concludit that the Queines mynd ſhould be publiſhit to her ſubjects thrie next preaching dayes; but becauſe the Generall Aſſembly had prohibited all ſick marriages, we proteſtit we wold neither ſolemnize, neither yet approve that mariage, bot wald only declare the Princes mynd, leaving all doubts and dangers to the counſellours, approvers and performers of the mariage. And ſo upon Fryday nixt, I declarit the hail mynd and progreſſe of the Kirk, deſyreing every man in Gods name to diſcharge his conſcience befor the Secret Counſell, and to give boldnes to vthers. I deſyrit of the Lords ther preſent tyme and place to ſpeake my judgement befor the parties, proteſting if I were not hard and ſatified, I either wald deſiſt from proclaiming, or els declare my mynd publickly before the Kirk. Therfor being admittit after noone before my Lord in the Counſell, I laid to his charge the law of adulterie, the ordinance of the Kirk, the law of raviſching, the ſuſpicioun of colluſioun betwixt him and his wyfe, the ſudden divorcement, and proclaiming within the ſpace of ſoure dayes, and laſt, the ſuſpitioun of the Kings death, quhilk her mariage wald confirme. Bot he anſuerit no thing to my ſatiffactioun; quherfor after many exhortatiouns, I proteſtit that I could not but declare my mynd publickly to the Kirk. Therfor, upon Sonday, after I had declarit quhat they had done, and how they wald pro-

ceid quhither we wold or not, I tooke heavin and earth to witnes that I abhorrit and detestit that mariage, becaufe it was odious and slanderous to the world ; and seeing the best part of the realme did approve it, either be flatterie or be their silence, I defyrit the faithfull to pray earnestly that God wald turne it to the comfort of this realme, that thing quhilk they intendit agains reason and good conscience. I, becaufe I heard some persons gangand against me, ulit thir reasons for my defensis : First, I had brock-in no law be proclaiming of thir persons at their request ; secondlie, if their mariage was slanderous and hurtfull, I did weill in forewarning of all men of it in tyme; thirdlie, as I had of duetie declareit to them the Princes will, sa did I faithfully teach them be word and example what God craveit of them. Bot upon Tuesday nixt I was callit befor the Counsell, and accuseit that I had past the bounds of my commissioun, calling the Princes mariage odious and slanderous befor the world. I ansuerit, The bounds of my commissioun, quhilk was the word of God, guide lawes and naturall reason, was able to prove quhatsoever I spake ; gea that their awn conscience could not but beare witnes that sicker a mariage wald be odious and scandalous to all that sould heir of it, if all the circumstances therof were rightlie confiderit : Bot quhill I was coming to my probatioun, my Lord put me to silence and send me away. And so upon Wedinsday, I first repeatid and ratified all things befor spokin, and after exhortit the brethren not to accuse me, if that mariage proceedit, bot rather themselves, who wold not for feare oppone themselves, bot rather sharpit their tongues against me becaufe I admonished them of their duetie, and sufferit not the cankerit consciences of hypocrites to sleip at rest, protesting at all tymes to them that it was not my proclaiming bot rather their silence that gave any lawfulness to that mariage. For as the proclaiming did take all excuse fra them, so my privat and publick impugnatioun did save my conscience sufficiently ; and this farre I proceedit in this mariage, as the kirk of Edinburgh, Lords, Erles, and Barrones that heard me will beare me witnes. Now seeing I have been shamefullie slanderit both in [England and] Scotland, be wrong informatioun and false report of them that hateit my ministrie, I desyre first the judgement of the Kirk, and nixt the same to be publishit, that all men may understand quhither I be worthie of sicker ane brute or not.



Seff. 5<sup>a</sup>. ultimo Decembris 1567.

[The power of commissioners appointed to visit and plant kirks, was limited in manner following: They are to consider what persons possess benefices within the bounds of their visitation, how long, and at whose presentation, also their qualities and sufficiencies: And if any vaick in the time of their presentation, to dispoise the same to qualified persons, being presented be the right patrons; and if they dispoise any benefice to unqualified persons, they shall underly the censure of the kirk at the next Assemblie, shall be punished accordingly, and the benefice shall be bestowed upon another who is qualified. C.]

Anent the complaint givin in against my Lady Argyle, declaring how sho once, being at the table of the Lord Jesus, and professing his Evangell, had revoltit therfra in giving her assistance and presence to the baptizeing of the King in a Papistick maner. The said Ladie being present, grantit that sho had offendit to the eternal God, and bein ane slander to the Kirk, in committing the premiss, and therfor willinglie submittit her selfe to the discipline of the Kirk and discretioun of them. Therfor the Kirk ordaines the said Ladie to make public repentance in the Chappell Royall of Striveling, upon ane Sonday in tyme of preaching, and this to be done at sick tyme as the Kirk heirafter shall appoint be the superintendent of Lowthiane, provydeing alwayes it be before the next Assemblie.

[Twelve or thirteen brethren wer appointed to convene and choose Collectors, for uplifting and inbringing the Thrids of Benefices in every province, and enjoin what every one of them shall observe.

The Kirk presently assembled in the Tolbooth of Edinburgh, hath elected, nominat, made, constitute and ordained, and be the tennor hereof elects, makes, nominates, constitutes and ordaines their beloved Brother N. their collector within the bounds of N. granting, giving, and committing to him full power, authority, special command, and charge, to ask, crave and receive, in name of the said Kirk, intromett and uptake all and fundrie the thrids of whatsomever benefices lying within the said bounds; together with the whole fruits of common kirks, and all other common rents; whole fruits and rents of Freirs lands, places and livings; whole superplus omitted, and benefices or chapplanries not given up in rentalls, lying within the bounds above specified, which are now be Parliament givin and assigned to the Ministrie of the Kirk, of the crop and year of God

1567 years instant, and sicklike yearly in time coming, quhill he be lawfully discharged; acquittances and discharges thereupon to make, give and subferive; and generally all and sundry other things to doe and exerce, that to the office of collectorie in such cases, by law and confuetude, is known to pertain; firm and stable holding and for to hold all and whatsomevir things the said collectors doeth in the premises, or lawfully leadeth to be done; provyding alwise that he use the said office of collectorie, and behave himself therein, according to the injunctiouns given to him therupon; and make compt reckoning and payment of his intromissions, after the form and tenor therof. Givin in the General Assemblie, and fifth Session therof.

The Tennor of the Caution for everie Collector, according to the Injunctions, followeth :

We N. and N. Forfameikle as the Assembly holden at Edinburgh the 2d of Januar 1567 years, hath made and constitute their loving brother N. within the bounds of N. collector, and hath made and given to him certain injunctions, with commission for using of the said office for the crop and year of God 1567 years instant, and sicklike yearly, and in time coming, quhill he be lawfully discharged, as at more lenth is contained in these said injunctions and commission: Therfor we bind and obleige ourselves, our Heirs, Executors and Assignes, to Mrs Clement Little and Richard Strang, Procurators for the Kirk, and in their names, that the said N. shall truely, leilly and diligentlie use and exerce the said office, to the weel and utility of the Kirk, without fraud or guile, according to the commission and injunctions given to him therupon; and shall make reckoning and thankful payment of his intromissions during all the time of his office; and if he fail, we shall refund and pay to the Kirk all and whatsomever things the said N. shall happen to be addebted to them, during all the time forsaide: And for more sure payment of the premises, we are content and consents that this our assignation be acted in the books of Counsel, and decerned to have the strength of a decreit of the Lords, and executorials to passe thereupon in form as effeirs. And I the said N. bind and oblige me myself, my heirs, executors and assignes, to free, releve and keip skaithless the said N. and N. my soverties, &c. In witness of the whilks, we have subscribed this obligation with our hand at Edinburgh the      day of      .

It is required, that every collector be known to be of sound religion ; that they shall do their office without suspicion of fraud or avarice, make payment to every superintendent, commissioner of the Kirk, minister or reader living within their bounds, of the stipend appointed to them quarterly, at four terms in the year, and that the said payment be made to every one that serveth that hath stipend or fee, at their own houses, that they be not compelled to seek abroad, and leave their vocation : That where the rental beareth victuall, they shall not have power to sell the victuall or any part thereof, or sett price thereupon, but be the advice of the Assembly allenerly, or such as they shall deput commissioners thereto in every province ; and that the said collectors shall have their hand-writs to shew at their compts, and shall sell no victuall till the ministers be first furnished, or els refuse to receive the samein upon the prices which shall be appointed : And if the poor labourers be not able for povertie to deliver the bolls, he shall take no higher prices than is appointed, nor put up in the garnel, where he may have the prices befor appointed.

Item, that they shall not drive time fraudulently, in payment of ministers stipends ; that they be not compelled through necessity to give acquittances of greater sumes than they shall happen to receive, or take the victualls at dearer prices than shall be appointed : And if it be known that he hath dealt fraudulently or covetously, to the hurt either of ministers or subjects, that he shall incurr the pain of twa hundereth pounds, to be applyed to godlie uses.

Item, That they shall make a just account to the Assembly, or others to be appointed to receive the same, of their particular intromissions with their foirfaids thrids, and make faithfull payment of the superplusses resting in their hands above the payment of the ministers, or els give in letters of horning sufficiently execut and indorsed, of their diligence.

Item, That they resign their office in the hands of the Assembly, whensoever they shall be charged, or found negligent or fraudulent. Item, That they find some sufficient landed man or burges, cautioner, one or more if one be not sufficient for the faithful administration of their office, under pain of refunding all damages, skaiths, and entres which the Kirk or any member thereof shall sustain through their defaults, the samein being summarily liquidat and known, and loss of their office ipso facto, and under pain before expressed in the fourth Article.

Seff. 6<sup>ta</sup>. ... Januarij 1567.

The Superintendent of Angus presented a supplication in write, or rather a dimission of his office of superintendancie, be reason he was not able to discharge that office in respect of his age and infirmity: The Assembly notwithstanding would not accept this his dimission, for divers respects, to be shewn to the said superintendent, and continued him in the said vocation till farder adviſement.

Seff. 7<sup>ma</sup>. ... Januarij 1567.

It was ordained, That a letter ſould be ſent to England to Mr Willocks to request him to return; the tennor wherof followeth.

Videbam Satanam ſicut fulgur de cœlo cadentem.

As the Lord our God hath at all times been from the beginning of this his work of reformation and reſtitution of the purity of his true worſhip and religion within Scotland, loving brother in the Lord, moſt beneficial and bountifull toward this realme, ſo hath he now be this laſt, but moſt miraculous victory and overthrow, poured forth in greateſt abundance the riches of his mercies, in that not only he hath driven away the tempeſt and ſtorm, but alſo hath quited and calmed all ſourges of perſecution; as now we may think weal our ſhip is receaved, and placed in a moſt happy and bleſſed port; our enemies, praized be God, are daſhed; religion eſta bliſhed; ſufficient proviſion made for miniſters; ordour taken, and penaltie appointed, for all ſort of tranſgreſſion and tranſgreſſours; and above all, a godly magiſtrat, whom God of his eternall and heavenly Providence hath reſerved to this age, to put in execution whatſoever he by his law commandeth. Now then, loving brother, as your preſence was to us all in time of trouble moſt comfortable, ſo it is now of us all univerſally wiſhed, but moſt earneſtly craved be your own flock, who continually at all Aſſemblies have declared the force of that conjunction, the earneſtneſs of that love, the pith of that zeal and mutual care that bindeth the paſtor with his flock, which neither be progrefs of

time is diminished, nor be separation and distance of places restringed, nor yet be tyrannie and fear dissolved. True it is, that at this their most earnest and just petition, we have ever still winked this time past; not but that to us all your absence was most dolourous; but in respect of troubles, we judged more meet to await for such opportunity as now God, in this most wonderfull victory of his evangel, hath offered: Therfor seeing all impediments are removed, and your flock still continueth in earnest suit for you, and now every where throughout the realme commissioners and superintendents placed, and one offered to them, and be them refused altogether, awaiting for you; we could no longer stay, but agree to this their desire, in suit whereof neither through fear have they fainted, nor by charges retarded, nor yet by any kind of offer delisted; and as we have been moved to grant to them that which they have thus humbly and continually suited, we cannot but persuade ourselves but ye will satisfie the same; neither can we think that the shepherd will refuse his flock; that the father will reject the just petition of his son; least of all, that the faithfull servant of God will shut up his ears at the voice and commandment of the Kirk, or yet deny his labours to his own country. The time is proper now to reape with blythnesse that be you before was sown in tears, and enjoy the fruit of your most wearisome and painfull labours. It shall be no less pleasant to you to see your own native country at liberty and freedom, quich ye left in mourning and sobbing, under the heave burden of most cruell servitude, then comfortable to behold the religioun of Jesus Christ throughout all the realm flourishing, vertue increasing, vertuous men in reputation; and finally to embrace those dayes, quich howsoever hath been be your self most piously desired, yet could ye never look to obtain the same. Now, at last to conclude, unless ye will be anemie to your country, ye will not refuse these requests; unless ye will be stubborn and disobedient, ye will not condemn the commandment of the Kirk; unless ye will be careless and unthankfull, ye will not despise the humble, continuall and earnest suit of your flock; and last we assure our selves, that ye are not so astricted and addicted to your own particular, as that this generall and common cause should be in anywise be you neglected. Now shall ye see the kaipstone of that work wherof ye laid the foundation. Thus we cannot look for any other answer then ye shall give be your self, and that with all expedition possible. Our state, ye know, is not so sure but we ever stand upon our watches; but that, we know, will not stay

you, feing your compt is fo laid. Thus we commit you to the protection of our Lord Jefus. At Edinburgh, in our Generall Affembly, and feventh feflion therof. C.]

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A. D. M.D.LXVIII.

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THE Generall Affemblic of the Kirk conveyit in Edinburgh, in the Nether Tolbuith therof, the first day of July 1568 : In the quhilk was present the Nobilitie, Superintendents, Ministers, and Commissioners of Townes and Kirks. Thanks was given to God, and supplicatioun made for his assistance of his Holie Spirit, be Mr Johne Willock.

The same day, for eschewing of confusioun in reasoning, and that every brether speake moderatlie in his awin rowme, and that with reverence and licence, the haill brethren assemblit choose Mr Johne Willock, Superintendent of the West, to be moderator for this present Affemblic, quho being chosen accepted the office, under protestatioun that obedience be given.

[The commissioners depute be the last Assembly to take trial of the complaints givin in, or to be given in, against the Superintendent of Fife, produced the execution of their commission subscribed be Mr David Spence their scribe for the time. Others were appointed to revise their proceedings and to report. He was accused of negligence in his visitations ; that he was careless in punishing adulterers ; that he retained one called Flecher, a reader in the kirk of Lewchars, whom Mr Knox had found unable. To this last he answered, that he knew not that Mr Knox had pronounced any such sentence against him. It was alleged be the laird of Tarbett, that, when he was visiting the kirk of Skennie, Mr William Blackwood desired him to declare of his conscience, whither the messe was idolatry, when he alleged that tithes should be paid to none but such as have recanted the messe, the said superintendent in audience of the whole people, bad the said Mr William take it on his conscience. His answer was, it is long since I thought the messe idolatry, but I said ye most condemn it in your own conscience.]



Some brethren were appointed to revise the travels of the superintendents and commissioners, appointed be the last Assembly, to visit kirkis, to note the notorious crimes and names of the offenders, that their names might be presented to the Regent with a supplication of the Assembly for justice, to wit, Mr John Craig, John Row, William Christefone, John Duncanfone, David Fergusone, and Mr Robert Hammilton minister at Sanct Andrews.

It was ordained, that superintendents should command readers to abstain from all ministration of the sacraments, under the pain to be accused as abusers, and criminall according to the act of Parliament. C.]

Sessio 2<sup>a</sup>. 6 Julij 1568.

Anent the ordour heirafter to be usit in Generall Assemblies, to the desyre of ane lettre presented be ane brether for receiving of the ordour heirtofair, the haill votit and concludit as followes, viz. That give the ordour already received pleases not men, be reason of the pluralitie of voyces; it was thought meitt to reforme in this maner:

First, That none have place nor power to vote, except superintendents, commissioners appointit for visiteing kirkis, ministers brocht with them presentit as persons abill to reason, and having knowledge to judge. With the foirnamit fall be joynit commissioners of burghes and shyres, together with commissioners of universities.

Secondlie, Ministers and Commissioners of Shyres fall be chosen at the synodall conventioun of the dioces, be consent of the rest of the ministers and gentill men that fall convene at the said synodall conventioun. Commissioners of burghes fall be appointit be the (L) counfall and kirk of their awin townes.

Thridlie, none to be admittit without sufficient commissioun in wryte; and on aventure that this sould come ane monople and perpetuall electioun of a few certaine ministers and commissioners, it is concludit that they be changeit fra Assemblie to Assemblie.

Anent the questioun of murther committit upon suddentie and for satisfactioun to be made to the Kirk therfor; First, it was answerit, that the cryme being confessit, or convict lawfullie, the offender fall be admonishit

be the superintendent, or be the nixt reformed kirk where the slaughter was committit, to abstain from all participatioun of the Sacraments, untill that he satisfie the kirk as fall be appointit, and that their admonitioun fall be publishit where the cryme was committit, and where the recent brute therof was spread; to the end that men may understand that the Kirk winks not at the shedding of innocent blood. Secondlie, if the cryme be denyed, and get the brute therof be constant, and as it were publick, get fall the suspect be commandit to abstaine fra the use of the Sacraments, untill sick tyme as farder tryall may be had, or els that he be solemlic purgit of the brute. As for the fudden murther and that quhilk is committit wilfullie, we remitt the ansuer therof to ane former act.

Anent the forme of receiving the homicide or adulterer to the Kirk; nane that hes committit slaughter, adulterie, or incest, or heirafter fall committ the same, fall be receivit to repentance be any particular kirk, till that first they present themselve befor the Generall Assemblie, ther to receive their injunctiouns, and thereafter they fall keip the same ordour that was prescrivit to Paul Methven in his repentance: This being addit, that he or they fall beir into there hand, at all the tymes of the publick repentance, the same or lyke weapon wherwith the murther was committit.

[As for oppressors of children, they are to be admonished be the Kirk to make publick repentance in sackcloth, barefooted and bareheaded, so oft as the particular kirks shall appoint.

Becaufe the Assemblie was troubled with reading and answering of bills, the superintendent of Fife, Mr George Hay, William Christeson, David Lindsay, ministers, were appointed to read the bills, to write their answer according to their judgment on the back, and to report all to the Assemblie. C.]

Seff. 3<sup>a</sup>. 7 Julij 1568.

It was delaitit and found that Thomas Bassandine, Printer in Edinburgh, imprintit ane booke, intitulat the Fall of the Romane Kirk, nameing our king and soveraigne supream head of the primitive kirk: Also that he had printed ane psalme booke, in the end wherof was found printed ane bauldie song callit Welcum Fortoun, whilk books he had printit without licence

of the magistrate, or reviseing of the Kirk: Therfor the hail Assemblie ordainit the said Thomas to call in againe all the saids bookes that he hes fauld, and keip the rest unfauld untill he alter the forsaide title, and also that he delete the said baudie fong out of the end of the psalm booke: And farther, that he abstaine in all tyme comeing fra farther printing of any thing without licence of the supream magistrate, and reviseing of sick things as pertaine to religionn be some of the Kirk appointit for that purpose. Attour the Assemblie appointit Mr Alexander Arbuthnet to revise the rest of the forsaide tractat, and report to the Kirk what doctrine he finds therein.

[It was ordained, That no office bearer in the Kirk subscribe any assignation, or give charge to any collector, to answer any man of any portion of the patrimony of the Kirk, but such as bear office in the Kirk; and that according to the rolls given to them, subscribed be the keeper of the register of ministers stipends.

It was thought necessar that order should be taken, that common kirks and tithes vacant since the last Parliament through neglect of presentation should be disposed to qualified men, able to discharge their calling to the comfort of the people.

It was ordained, that superintendents and commissioners require such as enjoy benefices, and have gifts enabling them to the ministrie, to be present at the next Assemblie, to accept thereof according to their ability. C.]

Sessio 4<sup>ta</sup>. 8 Julij 1568.

[Mr Patrick Creich is ordained to make his repentance in Edinburgh the next Lords day; and if he committ the like offence for which he was suspended in the former Assemblie, it is ordained that he be deposed from the functioun of the ministrie, and underly farther correction as the Kirk shall think meet; and that quosoever shall be found guilty of the like offense, incur the like punishment. C.]

Anent the excommunicatioun of papists, and separatioun of them fra the societie of Chrysts bodie, after due admonition refuseing to joyne themselves to the Kirk; it is concludit, that after they have receivit sufficient admonitioun according to the ordour establisht in particular kirks, and

they get remaining obstinate, they shall be declarit publickly in all congregations necessary to be out of the societie of Christs bodie, and to be excommunicat.

[Follow the heads which the Assemblie willed the brethren appointed in the third session to present to my Lord Regents Grace. C.]

### Articles presentit to my Lord Regent.

First, Let his Grace know the heavie and grievous complaint of the ministers against them that subscribe the assignatiouns, through the quhilk they are altogether dissapointit of their stipends; for the assignatiouns standing, the thirds are not able as they are ordourit to pay the ministers halfe yeirs stipends, and in some parts not the quarter thereof.

It is thought a thing verie unreasonable, that the papists, enemies to Gods Kirk and the common wealth, and others that labours not in the ministrie, shall possess friely without imposition the two part of the benefices, and the Kirk quhilk labours shall not possess the third. Heirfor the Kirk desires that my Lord Regents Grace will take sick ordour, that the common charges might be sustained upon the twa part of the benefices possessed be the papists, swa that the third may remaine free to be disposed be the Kirk. Not that the ministers desire more nor their reasonable stipends, but that the superplus might support the schooles and the poore, according to the will of God; and that the collectors of the Kirk shall yearly make count thereof, so that my Lord Regents Grace and the counsell shall know the dispositioun of the samein.

Item, to shew my Lord Regents Grace, that there is fundrie benefices vacand, and specially the benefices of the common, pertaining to cathedrall and metropolitane kirks: That his Grace wald present them to qualified men, be the advyse of the Kirk, at this tyme the Kirk being assembled; utherways the Kirk must dispone them, as falling unto them be reason of fixe monethes past, and none being presentit; and also the Kirks of the Nonries presentlie vacand, to present qualified men to them, as in speciall to North Berwick.

Item, that my Lord Regents Grace wald give commissioun and authoritie to certaine persons for reformatioun of the colledge of Aberdeen, that the corrupt office bearers, regents and others be removeit, and others

qualified persons placed in their rouses, so that the youth may be instructed in godlines and good lettres.

Item, to desyre of my Lord Regents Grace, ordour to be taken for suppressing of vyce, quhereby the plague of God may be withdrawn from this realme; and that his Grace will take diligent care anent the executioun of justice agains sick odious crymes as fall be givin to his Grace in bill, be the superintendents and commissioners of countreyes.

Item, that his Grace wald cause sick as are appointit of the Counsell, conveyne with them that are appointit of the Kirk, twitching the jurisdiction of the same to decide therein, that tyme and place may be condiscendit upon to that effect, and that it be done before the Parliament.

To advyse with my Lord Regents Grace and counsell, that in the rowmes and countreyes quher no superintendents are, they may be placed.

Item, to understand quhat may be done anent augmenting or appointing ministers stipends, as neid requyres.

Anfuers to the forsaids Articles be my Lord Regents Grace.

At Edinburgh, the viii day of Julij 1568, being on the Secreit Counsell, my Lord Regents Grace, my Lord Sempill, my Lord Glames, the Secretar, Lord Ochiltrie, and my Lord Balmyrrinoch.

Anent the complaint made be the Kirk, for default of payment of the thrids of benefices to the sustentatioun of the Ministrie, the persons addebit for payment of the same being at the horne, and no farther diligence to be usit for obtaining of payment; my Lord Regents Grace, with advyse of the Lords of Secreit Counsell, ordaines the Thesaurar to receive all lettres of horneing, to be presentit be quhatsoever collectours, either of the lxvi yeirs crope, or of the lxvii, or in tyme comeing, and upon the faids lettres of horneing to direct letters to officers of armes, or to the shyreffs of the shyres, or uther ordinar judges, to uptake the escheits of the persons denunceit to the horne, and of the first and readiest of the faids escheitts, to pay to the collectours the sowmes aughtand, for the quhilk the faids persons was put to the horne; frielie takeand up the remanent to our soveraine Lords use, at the least takeand sa meikle above the valour of the debt aughtand, as will make the expenssis upon the executioun of the letters in uptakeing the escheitt, so that no expenssis in executioun of the

faid letters be made, utherwayes but of the escheitt of the perfons denunceit.

All commoun kirks fall be givin to qualified perfons, minifters; and als where any prebendaries are foundit upon the fruites of teyndis, as Dumbarnie, and Ormestoun in Lowthiane, as the prebendarie vakes, to be uptakin be the collectours.

Ordaines ane commiission to be made for reformatioun of the colledge of Aberdein, and for placeing of godlie and qualified perfons masters therin.

The roll of the committers of the vyces to be presentit to my Lord Regents Grace, who fall caufe the Justice Clerk proceide in forme of justice agains them.

Item, my Lord Regents Grace fall give warning to the perfons nameit, in the end of the Parliament, to conveyne the viii day of August.

To the faxt heid, forsameikle as superintendents cannot presentlie be appointit, the Kirk man appoint commiissioners for the felfe fame purpose, as they fall think good to give commiission, quhill the nixt Generall Affemblic.

To the vii heid, anent the advyse for augmenting or appointing of minifters stipends, be advyse of my Lord Regents Grace and counfell, the clerk of register, the Laird of Pitcarro, and Mr Henry Balnaves, were appointed with fuch of the Kirk as they fall think mait, or any twa of them.

#### The Regents Lettre anent the Chaplienries.

We underftand that ther is some chaplenries properlie pertaining to the Kings Majesties presentatioun, and some at this present to be difponit. We heirfor have thocht good to requyre your opinion how we fall proceed in that behalfe presentlie, and in tyme coming, that ignorantlie we doe nothing wherwith the Kirk may juftlie find fault heirafter.

JAMES REGENT.

Seff. 5<sup>a</sup> 9 Julii 1568.

[Mr Robert Pont is continued commiissioner for vifitation of Murray till the next Affemblic, notwithstanding that he desired to be placed in a particular congregation.

For answer to the supplication presented in the Bishop of Cathness



name, the Affemblic giveth commiffion to the faid biſhop for a zeir to viſit and plant kirks ; and for his ſtipend thought meet that he ſhall have his quhole thrid of the biſhoprick dimitted, providing he fuſtain miniſters in his own kirks thereupon ; the reſt of the miniſters of the diocie to be fuſtained upon the reſt of the thrids within their bounds, according to their ſtipends already modified.

Mr Knox his commiffion to viſit the kirks of Kyle, Carrick, and Cunninghame, is continued till the nixt Affemblic ; and he ordained to begin when he may conveniently, quibich hithertills he could not conveniently get done.

The brethren appointed to decide queſtions, report their decifions. C.]

Ane reidar was provin and conviēt for meddling with ane certaine woman, and afterward was verified that the ſame woman had ane huſband liveand when the faid reidar medlit with her, bot alledgis he knew not the ſame, and ſho had not bein in the uthar mans companie a certain ſpace of befor. At comand of the Kirk, the reidar put away the faid woman, who hes bein from him the ſpace of ane yeir paſt or therby. This reidar deſyris to be admittit to his office againe, in reſpect of his bypaſt converſatioun be the faid ſpace of ane yeir, and to doe farther what the Kirk will injoyne him. Queritur an debeat. Anſuer, after publick repentance according to the ordour, receive him.

Ane miniſter conveyit be contract with a certaine vicar, and the vicar ſauld his vicarage of the kirk wher the miniſter ſervit, in favours of the miniſter ; and the miniſter promeiſt againe to pay him a certaine ſmall ſowme at tymes and dayes, for the goodwill of the viccarage, and that in manner of compoſitioun, nomine penſionis : And now ane uthar miniſter accuses this former miniſter befor the Kirk, as ane man unworthie to bruik office, becauſe of the faid contract, quhilk he alledges to be ſimoniall ; and the uthar proteſts that he be conviēt in pœna talionis, in cace it be not foundin. Queritur primum, an predictus contractus fit Simonis ; et ſi fit, qua pœna puniendus eſt ille primus miniſter ? Secundo, ſi accuſator cadet cauſa, qua pœna eſt ille puniendus qui illud ſcandalum fuſcitavit ? Anſuer, publick repentance for his accuſatioun.



Seff. 6<sup>a</sup>. 10 Julij 1568.

It is statute and ordainit be the hail Assemblie, that minifters, exhorters, reidars, or uthers perfons heirafter trouble or moleft not the Generall Assemblie with fick things as fuperintendents may and aught decyde in their fynodall conventiouns; and if any chance to doe heirafter in the contrair, their lettres fall be rejectit.

Touching the bifhop of Orkneyes fufpenfioun from the miniftrie the laft Assemblie, and his obedience and fubmiffioun, the Kirk reftores him againe to the miniftrie of the word, and els ordaines him one fome Sunday when he beft may for weaknes of his body, to make a fermoun in the kirk of Halierudehous, and in the end therof to confefle the offence in marieng the Queine with the Erle Bothwell, and defyre the Kirk ther prefent for the tyme, to forgive him his offence and flander givin be him in doing the foirnamit act. The quhilk he promifed to doe.

[The Commiffioner of Galloway is ordained to come to Edinburgh at the time of the nixt Parliament, and fhew his diligence in the charge committed to him in that province; and to anfwer whether he will awaite on court and counfell, or upon preaching the word and planting kirks. The fuperintendents of Angus, Fife, and Lothian, were appointed to report his diligence and answers to the nixt Assemblie; and in the mean tyme Mr John Row was appointed to vifite Galloway.

Mr George Hay being complained upon be Andrew Murrey of Blackbaronie, in name of the parochiners of Edlestone, quherof he had the perfonage, for that he neither preached the word nor miniftred the facraments to them, was fharpely rebuiked.

Seff. 7<sup>ma</sup>. . . . Julij 1568.

Mrs John Willock, John Craig, John Row, Robert Pont, James Gray, Williame Chrifefone, and David Lindfey, were appointed to revife the form and order to be ufed in excommunication, which is penned be Mr Knox at the defire of the Assemblie, and to report their judgment. C.]

A. D. M.D.LXVIII.

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THE Generall Assemblie of the Kirk haldin in Edinburgh, in the Neither Counsell-houfe, the 25 of December 1568 : In the quhilk were assemblit the Superintendents, Minifters, and Comiffioners of Townes and Kirks : Thanks being givin, and invocation for the affiftance of the Holy Spirit, be Mr Johne Knox, Minifter of Edinburgh.

Anent the lettre receivit fra my Lord of Glencarne, daitit at Glasgow the xxi day of December instant, bearing in effect the great zeale his Lordship beares to the glorie of God, the mantaining of the commoun caufe, and instant neceffitie of the minifters of Chryfts evangell, for fupport wherof his Lordship hes put the Kirk in poffeffion of the thrids of the bifhoprick of Glasgow, more regarding the mantaining of the miniftrie nor his Lordships awin profite or commoditie, fhewing his Lordships great defyre to have been at this prefent Assemblie, if the urgent caufe of the commoun weill now in hands, and als the diftance of the place now impedit, promifeing quhatfoever beis in this Assemblie godlie concludit on, his Lordship will fett forward the fame at the uttermoft of his power ; requesting alfo for the placing of Mr Johne Porterfield, now banifcht from Dumbartan, as in lyke manner for ane godlie learned Ingliſchman, and for their reaſonable ſtipends, off the quhilk his Lordship godlie zeale and benefite beftowit on the Kirk, as alfo the earneſt carefulnes for fupporting the paſtours of Chryfts flocke. The hail brethren assemblit unfainedly praifes God, and thanks his Lordship moſt heartlie, not doubting but the Spirit of the Lord Jeſus Chryſt will ſtrenthen his Lordship to the end. As to the twa brethren requieſtit for be his Lordship, the brethren assemblit hes givin commiſſion to Mr Andro Hay to place and appoint them according to his conſcience.

Because of the rarenes of this Assemblie, the 25 day of Feberwar nixt was appointit to conveine on, and lettres of advertifement was ordained to be fend to every superintendent ; whose tenour followes.

The haill brethren presentlie assemblit, having confideratioun not only of the brute and feiknes within this brugh, albeit, God be praised, ther is no occasioun of feare therof, bot also the great tempest and storme of weather thought to be univerfallie within this realme, as weill in the north as in the south ; That throw the feare of the ane, and impediment of the uther, the brethren, superintendents of Angus, Mernes, and Fyffe, ministers and commissioners, and uthers, afweill of these parts as of the west and south, might not compeir at this Assemblie, according to the appointment therof in the last sessioun of the Assemblie haldin in July last, was thought meit to continue all actiouns quhatsoever unreasonit and undecydit quhill the 25 day of Februar nixt to come, and then to have the haill brethren forsaids to conveine in Edinburgh be themselves ; or if any thing chanches in the meane tyme, wherthrow justlie they are impedit, their commissioners sufficientlie authorized, if the said day and place please not the haill brethren, or maist part therof, To reason and conclude all actions pertaining to the ministrie ; to condiscend and appoint some uther day and place, not only convenient for the ministers, and commissioners of townes and kirks ; but also apt for resorting of the nobilitie and Privie Counsell, whose preference is verie requisite for setting forward the affaires of the Kirk ; and therfor exhortit the saids brethren, Superintendents of Angus and Fyfe, to advertise their uther brethren, ministers, and commissioners of townes and kirks, within their bounds respective, as was appointit in the last Assemblie ; To convene in Edinburgh the said 25 day of Februar nixt to come, as the brethren of west and south fall be in like manner warnit therto. Given in the Generall Assemblie and first sessioun therof, subscryvit be the clerk, of the same day, yeir, and place forsaids.

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A. D. M.D.LXVIII.

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THE General Assemblie of the Kirk conveyit in Edinburgh, within the Over Tolbuith thereof, the 25 day of Februar 1568: In the quhilk were assemblit the Superintendents, Ministers, and Commissioners of townes, kirks, and universities.

And for eschewing of confusion in reasoning among the brethren conveyit presentlie, with ane voice was present chosen Mr David Lindsay, to be Moderator for this present Assemblie.

[The Assembly thought good to ask at the Regent, if they shall enter in process against the Earle of Huntly, for removing the collectors of the Kirk in his bounds; and in case of disobedience, excommunicate him, feing he outwardly professeth our religion. It was ordained that a missive should be written and subscribed be the clerk, to be sent to Robert Lord Stewart, Commendator of Halyrudhouse, to assist Mr James Annand and Mr Gilbert Fousie, Commissioners appointed to visit and plant kirks in Orkney and Zetland, and to maintain the collector in gathering of the thirds for sustentation of ministers. C.]

Seff. 2<sup>da</sup>. 26 Februarii 1568.

The haill brethren conveyit and assemblit, thocht meit, that ane supplicatioun be presentit to the supream Magistrate, anent sick persons as hes receivit their benefices in Papistrie, payand now allanerlie their thridis,

thinkand themselves therthrow difchargeit of all farther cure in the Kirk ; requyreing at his Grace quhat ordour fall be tane anent lick perſons.

Item, whether it be lawfull to a miniſter of Gods word having benefice, to ſett takes thereof to any particular perſon within the parochin, or without the ſame ; and if ane law fall be made, that no miniſter ſell his benefice to any particular perſon.

Item, ane ſupplicatioun to be made to the Regents Grace, for reduſtioun of all benefices given to any perſon contrair the act of Parliament, or Se- creit Counſell, grantit in favours of the Kirk, or miniſters of the ſame.

The ſame day Mr Andro Blakhall, miniſter of Ormeſtoun, was accuſit be the Commiſſioners of the towne of Edinburgh, for marrieing of ane callit James Hamilton, indwaller of the towne of Edinburgh, with ane Jenat Huntar in Ormeſtoun, without lettres teſtimoniall of their bands proclaiming ; agains the quhilk James the Kirk of Edinburgh had ſome- thing to ſay for offences committit. After all defences made be the ſaid Mr Andro, the haill Kirk finds him to have broken the act, That na miniſter ſhall marie the parochiners of another parochin, without a ſufficient teſtimoniall, and ſo guiltie of the paine containit therein : Not the leſs the commiſſioners and miniſters of Edinburgh made ſupplicatioun to the haill Aſſembly, that the rigour of the act ſould not ſtrike upon him, but that ſome ſatiffactioun ſould be made to the Kirk of Edinburgh, at the diſcretioun of the haill Kirk. Quhilk ſupplication the haill brethren acceptit, and ordainit that the ſaid Mr Andro ſhall compeir before the ſeſſioun of the Kirk of Edinburgh, on Thurſday next to come, and ther confeſſe his awin offence, deſyreing pardon therof, with promiſe never to offend in ſick fort heirafter, under the paines containit in the ſaid act, to be execute to the rigour therof.

[Mr John Spotſwood, Superintendent of Lothian, was delated for ſlackneſs in viſitation of the kirks, &c. He alleged non-payment of his ſtipend for the three years bypaſt ; and that diſverſe times he had exhibite to the Juſtice Clerk the names of haynous offenders, but could find no execution.

Seſſ. 3<sup>a</sup> ... March 1568.

Commiſſion and power was given to the Superintendent of Angus, Mr George Hay, miniſter of Ruthven, Mr Robert Pont, Commiſſioner of the

Kirks in Murrey, and Adam Heriot, minister of Aberdein, to require the Earle of Huntly to restore the Collectors of the Kirk to their places; and if he refuse, to fummond him to compare before them, or any two of them, when and where they shall think meet, to answer anent the premises; with certification, if he compare not, nor get restoreth the said Collectors to their places, due admonitions preceeding, that they shall proceed to the sentence of excommunication.

The Bishop of Caithness is continued till the next Assembly. C.]

Sess. 4<sup>a</sup>. 7 March 1568.

Tenour of a lettre sent be the Duke of Chattelherault His Grace to the Assemblie.

Grace, mercie, and peace from God the Father, throw Jesus Chryst, we wish you.

Brethren, we thocht it expedient to certifie you, that being in France, and hearing of the great troubles of this our native countrey, of conscience and duetie was compellit to come home, desyreous to help to pacifie the same at our utter power, first to the glorie of Almightye God, and nixt to the releife of the right fair and lamentabill oppressed true subjects, whose innocent blood and innumerable hereschips, oppressiouns, wrangis, and slouthes that hes bein committit, and daylie is upon them, is to us so grievous and intollerable a burden, both in conscience and honour, that we rather refuse not only this our native realme, but also the haille world, or it were not reformat. And albeit, in my absence, I have sustaint wrang, I assure you, my awin particular, neither in blood, lands, nor geir, is so heavie to me as the great danger this haille kingdome stands in, if be the grace of Almightye God, and help of the auld and native Scottis blood, it be not foirfein and releivit in tyme. Heiring of your convention, brethren, at this tyme, I have send this beirar to you, to declare this to you to be our full and determinat mynd, to follow be the grace of God, first that the word of God may have frie passage through this haille realme, and that the sacraments may be ministrat according to the institution of Chryst Jesus his Soune our Saviour; nixt, that everie true subject within this realme may

live without feare upon that quhilk is justly his owne, according to Gods calling and commandement. In this cause of this present diversitie of our native soveraigne and a part of her subjects, for the quhilk we are verie heartlie sorie, and, as the Almighty God knowes, innocent of foirknowledge of any doing, so we wold wisch all uthers to be sick lyke ; our desyre is, that all hostilitie and troubles might be pacified, according to the command of Almighty God, and that the haill estates in quyet and peaceable manner may conveyne, and first calling for his grace and holie spirit of righteous judgement, might consider the ground and beginning of this altogether evill deid, I meane the slauchter of the Queins late husband, quhat hes proceidit therupon sensyne, and quhat God wald of reason sould be done therfor ; and this to be devyfit either be the haill estates, or xxv of the wisest of the nobilitie cholin be the haill, and to be followit be the haill peiple of the realme ; wherunto we of the nobilitie, and all that continues under our obedience to the Queine our soveraigne, fall for Gods cause, and for the commoun weill, be found aggrievable. I avoyde the wrongous judgement may be spokin, that we wryte this to zou because of proclamatiouns the Erle of Murray hes made in diverse shyres in this realme, to have the peiple in Glasgou the x day of March. We wold ye sould consider we doe it not for that cause ; for first, as ye know, sen befor thir troubles begouth, we have nevir bein in this countrey befor the 25 day of this instant Februar, wherthrow we might have shawin our mynd heirin, and all the peiple of Scotland was gatherit together, both for nativnes of blood, and, forgive, my deserving of my forbearers and myselfe ; there is the strength of the world wher I could wisch my selfe and find me most sure : and if the said Erle of Murray wald take upon him to invade me or any of my freinds or dependers, or any true men of this realme, (as I cannot thinke he will) then trest I that the nobilitie or peiple will not assist him therto, whill first they find ane cause worthie, and be declarit be the ancient lawes of the realme. And thogh we desyre thir conventiounes, and forces of men of warre, to be turned upon the theifis and oppreffours of the realme, wherunto we fall be most readie with our bodies and geir to doe the devoir of the noble and true men, zet if he will persevere to persue us, we doubt not in God and the justnes of our cause, to find all the noble and true men so favourable to us, that it fall not be in his power to doe us wrong upon particular malice, altogether without deserving. Therfor we requyre zou, in Gods behalfe, to make some of



our affairs and mynd patent unto the peiple ; and if ge find nocht on our part focht heir and offerit that to our Christian professioun pertaint, duetie requireth that ye come and reason the same with us, whair ge fall find us reasonable in all causes, according to Gods word and equitie ; on whose divyne protection we commit you. Of Hamiltoun, the 27 of Februar.

Your Christian brother,

JAMES HAMILTOUN.

After reiding of the said lettre, the brethren being advyfeit therupon, anfuert to the beirar of the lettre, that the Kirk wald fend some of the brethren to my Lord Regents Grace, to know his pleasure, whither they shuld write, or fend ane certaine of the Kirk with commissioun fra the same, to my Lord Dukes Grace, shewing and declaring the opinioun of the Kirk touching his Graces lettre.

And for that same, the haill Kirk gave commissioun to the brethren, Mrs Johne Spotiswood, Johne Wyrhame, and Johne Row, to passe to my Lord Regents Grace, and know his pleasure concerning the said lettre ; and thereafter to passe according to his Graces command to my Lord Dukes Grace, and conferre with him, and utbers of the nobilitie whom they find present ; and be all meanes possible to reconceile the nobilitie forlaid to the obedience of the Kings Majestie and his Regents, and farther to doe as the said commissioun proportis.

Seff. 5<sup>ta</sup>. 8 Marche 1568.

It was concludit be the haill brethren assemblit, that ane generall fasting be proclaimit through all Scotland, and to begin in Lowthiane, Fyfe, and sikk uther places as may receive advertisement, the 13 day of this instant. Thereafter the superintendents and commissioners of provinces to advertise and begin at sikk tymes as they thinke most expedient, and to continue fra the first day to that day aught dayes inclusive ; and in the meane tyme to use the exercise accustomeit in the kirk of the first institutioun, and els to use sobrietie in eating and drinking in tyme of the exercise. More-over concludit that all Superintendents and Commissioners of provinces

fall heirafter intitute and use the same ordour of fasting, so oft as just occasion fall serve and fall seime meit be ther godlie wifdome, without any further appointment be the Generall Assemblie.

[Certain heads were formed, quhich were to be presented to the Regents Grace and Counsell, and Commissioners appointed to present the same, and crave answer ; the tenor of quhich heads followeth. C.]

#### Articles sent to my Lord Regents Grace.

[That such as have benefices, and doe nothing but pay their thrid, may be compelled to bear farther burden with the Kirk, and for support of the poor ; for it seemeth altogether unreasonable, that idle bellies shall devour and consume the patrimony of the Kirk, while the faithfull travellers in the Lords vineyard suffer extreame poverty, and the needy members of Christs body are altogether neglected.

That such as have many benefices may be compelled to demitt all except one.

That ordour may be taken that the Collectors may be obeyed, quho are now universally disobeyed, as well be Protestants as Papists. C.]

That remedie may be provydit agains the oppressioun of the Earle of Huntlie, and of uthers, who hes deposit the Collectours of the Kirk, and tirranoullie placeit their awin.

That it may please his Grace and the Secret Counsell, that the Kirk fra admonitions may passe to farther censures agains the said Erle, and all uthers guiltie of the lyke oppressioun, unto publick excommunication, in cace of his and their contempt.

That the Kirk, without offence of his Majestie, may appoint their brother, Mr Robert Pont, quher his labours may be more fruitfull then they can be for this present in Murray.

[That remedie may be provided against the chopping and changing of benefices, selling of the same, diminishing of the rentals, setting of long tacks, in defraud of ministers, both for the present and for the time to come ; against the quhich, except substantiall remedie be provided, not only shall the Kirk suffer damage ; but also that portion quhich might support the common affairs of the realme, shall be craftily fold.

That order may be taken with such as are already excommunicat, and doe contemn the censures, may be punished. C.]

That ordour may be takin, that sick odious crymes as this day provocks Gods displeasure against the haill land, may be punishit as God hes comandit. If his Grace send us to the Justice Clerk, experience hes teachit us sufficiently quhat he hes done in any sick matters.

The Kirk requyres, that anes the jurisdiction therof may be separate fra that quhilk is civil.

That the questioun of adulterie may once take effect ; at least a decision in that heid, quhither the adulterer fall be admitted to the benefite of marriage or not.

Seff. 6<sup>a</sup> ... March 1568.

[It was ordained, that the letter directed to the Lords who have made defection from the Kings Majestie, after it be returned from the Regents Grace, shall be registrat amongst the acts of the Kirk, and that it be printed.

Anent proceeding be degrees in schools to the degree of a Doctor of Divinity ; it was ordained, that the brethren of the Colledges of Sanct Andrews convene and form such order as they shall think meet ; and that they present the same to the next Assembly to be revised and considered, that the Assembly may eek or diminish as they shall think good, and that thereafter the order allowed be established. C.]

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A. D. M.D.LXIX.

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THE Generall Assemblie of the Kirk, conveynit in Edinburgh and Nether Counfell house, the 5 day of July 1569: In the quhilk were present the Superintendents, Ministers, Barrons, and Commissioners of the Townes and Kirks.

For eschewing of confusion, quhilk might chance in reasoning among the brethren presentlie conveynit, with ane voyce was chosen for Moderator, William Christefone minister of Dundie, for this conventioun; quho being chosen, acceptit the office on him.

[Read and allowed the decreet and sentence given be the Lord Regents Grace, his Counfell, and the Superintendent of Angus and Mernes, against the Principall and uther Members of Old Aberdein; the tenour quherof followeth.

We, John Areskine, Superintendent of Angus and Mernes, and Commissioner within the bounds of the Shirefdome of Aberdein and Bamf, and the Ministers and Commissioners within the said bounds, being assembled in the High Kirk of New Aberdein, willing to reform abuses within the said bounds, and in speciall, in the Colledge of Old Aberdein, we directed fummons against Mr Alexander Anderlone, principall, Mr Andrew Galloway, sub principall, Mr Andrew Andersone, Thomas Owsten, and Duncan Norie, regents of the saids Colledge, to compear before us, that trial may be taken if they were found in religioun; quhich being found, they were to be suffered to continue in their offices; otherwise, if they

were found corrupt with Popery and errors, not agreeable to the truth, as it is professed faithfully within the Kirk of Scotland, to be deposed, and inhibited to teach and instruct the youth, privately or publicly, in that colledge, or any uther school or colledge within the realme; that uthers well qualified may be placed in their room, able to bring up the youth in the true faith, right worship of God, and good letters. In this mean time, my Lord Regents Grace called before his Grace and Counsell the foresaid persons, being delated to his Grace as very obstinate Papists, enemies to the truth; and required them, as professors of Christs religion, to subscribe the articles following: We, whose names are under-written, doe ratify and approve, from our very hearts, the Confession of Faith, together with all uther acts concerning our religion, given forth in the Parliaments holden at Edinburgh, the 24 day of August 1560, and the 15 day of December 1567; and join ourselves as members of the true kirk of Christ, whose visible face is described in the saids acts; and shall in time coming be participant of the sacraments, now most faithfully and publicly ministred in the said kirk; and submit us to the jurisdiction and discipline thereof. This was done the penult day of June, and not finding in them obedience, referred them to the last of June: the quihilk day they compeared before his Grace and the Counsell; but most obstinately contemning his Graces most godly admonitions, refused to subscribe the saids articles: Wherefore, my Lord Regents Grace and Lords of Privie Counsell, with deliberation, pronounced the decreet and sentence quhich followeth: Apud Aberdein, ultimo Junii 1569. The quihich day Mr Alexander Anderfone, principall, Mr Alexander Galloway, sub principall, Mr Andrew Anderfone, Mr Thomas Owlsen, Mr Duncan Norie, regents of the Colledge of Aberdein, being called in presence of my Lord Regents Grace and Lords of Privie Counsell, being desired, be their subscriptions, to give attestation and plain profession of the faith, with all uther acts made concerning Christian religion, in the Parliaments holden at Edinburgh the 24 day of August 1560, and the 15 day of December in the year of God 1567; the saids persons refused to give their said profession be their hand writtes: In respect quherof, the said Lord Regents Grace, with advice of the saids Lords, have found the saids persons dangerous, and unmeet to have the cure of the instruction of the youth, for the perril of inconveniences both to body and soul: Wherefore, and in respect of the act of Parliament, reporting that none be permitted, nor admitted, to have charge or cure in

schools and universities, nor instruct the youth, privately nor publicly, but such as shall be tryed be the superintendents and visitors of the kirks ; As for the saids persons denieng to join to the true kirk of God, according to the said Confession of Faith, my Lord Regents Grace, with advice of the saids Lords, declareth and decerneth, that the saids persons are, and shall be deprived, and presently are deprived, ipso facto, of all instruction of the youth within this realme, and of all honours, dignities, functions, preeminence, faculties; and priviledge within the said colledge ; and ordaineth letters to be direct, charging them to remove, desist and cease therefra ; to the effect that uther qualified persons, of sound doctrine and sufficient literature, may be placed therein for instruction of the youth in times coming. The foresaid decret my Lord Regents Grace intimated to us, with the process used against the saids persons, the quibich we did most heartely allow, and gave to God thanks therefore ; and because the errors and obstinacy of the foresaid persons were sufficiently declared unto us, be their refusal to subscribe the godly articles foresaid, as the act of Counsell testifieth, we thought it not expedient to proceed farther in triall of them : And therefore in presence of Mr Alexander Anderfone, principall, and Mr Andrew Anderfone, regent, who only compeared, we pronounced the sentence against them, conform to the decret of the Counsell, as followeth.—I John Areskine, Superintendent of Angus and Mernes, having commission of the Kirk to visite the Shireffdome of Aberdeen and Bamf, be the advice of Counsell, and consent of the Ministers, Elders, and Commissioners of Kirks present, decern, conclude, and for final sentence pronounce, that Mr Alexander Anderfone, sometime principall, Mr Alexander Galloway, sometime sub principall, Mr Andrew Anderfone, Thomas Owsten, and Duncan Norie, sometime regents in the Colledge of Old Aberdeen, are not to be reputed as members of this kirk ; and therefore exclude them, and every one of them, from using any office or jurisdiction in the Colledge of Old Aberdeen ; and inhibit them, and every one of them, to teach publicly or privately, in time coming, in that colledge, or any uther part within this realme ; and ordain them to remove forth of the same colledge with all diligence, that uther godly and well qualified persons may be placed therein, for upbringing of the youth in the fear of God and good letters. This our sentence pronounced, we ordain to be published and intimated to the saids persons, and to the con-



gregation of New and Old Aberdein, publickly the nixt Sunday, the 3 of July nixt 1569.

In the trial of the superintendents, the Superintendent of Lothian and Fife was delated for slacknefs in visitation, and reparation of the fabricks of kirks.

Mr John Kerfwell, Superintendent of Argile, was reproved for accepting the Bishopricks of the Illes, without making the Assembly forseen; and for riding at, and assisting of the Parliament holden by the Queen, after the murther of the King. C.]

Seff. 2<sup>a</sup> 6 July 1569.

Anent the defence givin in the Assemblée haldin in December 1567, be Mr Johne Craig, ane of the ministers of Edinburgh, touching the proclaiming of the Queine and the Erle of Bothwall; the said defence beeing publickly and presentlie red, the hail points therein conteinit be the hail Assemblée maturelie confiderit; it was found be the hail brethren, that he had done the duetie of ane faithfull minister, and had committit nothing slanderous to sicker as hes righteous judgement, in respect of the defence forsaide, quhilk was found both godlie and sufficient for declaratioun of his innocencie theranent; quhilk the hail Assemblée declarit and testifiet, and ordainit the samen to be notified to all and fundrie.

[Some adulterous and incestuous persons excommunicated for their offences, compeared, partly to relieve their sureties, partly to know quhat the Assembly would injoin them. The Assembly ordained every one of them to repair to their superintendents, or to the ministers, elders and deacons of their own kirks respective, and to receive injunctions from them how they shall beheave themselves till the nixt Assembly; and that then they bring a testimoniall from their ministers of their behaviour to the Assembly, and that they present themselves to the nixt Assembly, bare headed and bare footed, in linnen cloaths, humbly requesting the Assembly for farther injunctions for their offenses, and restitution to the bosome of the Kirk. C.]



Seff. 3<sup>a</sup> 7 July 1569.

Anent the punishment of adulterers, murtherers, and uthers criminall and capitall crymes quhilk deserves death : Whither the supream magistrate aught first to declare his mynd of his satisfiatioun and admissioun ; or if the Kirk fall receive them to repentance befor the declaratioun of the said magistrates will.

Anent persons guiltie of capitall crymes, found be superintendents, ministers, elders or deacons of reformed kirks, to compeir to this Assemblie, or any uther Assemblie heirafter, and the saids persons found not compeirand ; the Kirk ordaines the saids superintendents or ministers to proceed to excommunicatioun against them ; and to notifie to the supream magistrate so many as for their offences are already excommunicate, that farther punishment may be execute.

[Commiffion was given to the Superintendents of Angus, Fife, Lothian, Argile, Mr Knox, Mr David Lindsay, Robert Fairly of Braid, William Douglass of Whittingham, the Lairds of Keir, Lundie, Mr Robert Hamilton, minister at Sanct Andrews, Thomas Wallace, commiffioner from Sanct Andrews, Mr John Row, minister of Saint Johnstoun, Patrick Murray, commiffioner of Saint Johnstoun, the Laird of Barganie, Mr Andrew Hay, minister of Ranfrew, Mr David Weems, minister of Glasgow, Mr William Christeson, Mr Gilbert Gardin, James Baron, burges of Edinburgh, David Ramsay, burges of Dundie, to present to the Regent and to the nobility assembled at Sanct Johnston, the 25 of this instant July, the articles following, with their answers. C.]

Certaine of the Articles presented to my Lord Regent.

[In primis, touching the heads quhich my Lord Regents Grace sent to the Assembly with Mr John Wood ; the Assembly hath given their full power to their commiffioners sent presently to his Grace, to resolve fully thereupon, conform to the answers given to the said Mr John Wood.

Item, the Assembly desireth the act made in this Generall Assembly, concerning the assignation of the ministers stipends, be ratified and approved with letters thereupon, as is contained in the same.

Item, that the manfes and glebs may be given to the ministers for their

residence at their kirks ; and that the law hereupon may be made clear, that it may have execution ; and, in like manner, concerning the reparation of kirks.

Item, that all that have benefices be compelled to pay their thrids, for that payment be made of the years bygone, as well as to come. C.]

That ordour may be takin for sustentatioun of the poore, and that ane portioun of the teinds be appointit for that effect ; and in lyke manner, that the pure labourers of the ground may have intromissioun to lead their awin teinds, upon reasonable compositioun.

[Item, that some auditors of the Exchaque be appointed to conveen with the auditors of the kirk, to hear the collectors of the kirk their compt.

Item, that immunitie may be granted to the commissiouners of the Kirk sent to Generall Assemblies, that during the time of the Generall Assemblies they be not molested in civil actions.

Item, that superintendents may be planted through the whole realme, as are already in some parts.

Item, that commissiouners may be appointed throughout the whole realme, to cognosce in causes of divorcements.

Item, that such as have benefices, and doe nothing but pay their thrids, be compelled to bear some further burthen with the Kirk, and chiefly for support of the poor. C.]

Item, that sitch as hes plurality of benefices, may be compellit to denunce all save one.

That remedie may be provydit for chapping and changing of benefices, and felling of the same, diminishing of the rentall, of setting of lang takis in defraude of the kirk ; and that all taks sett sen the assumptioun of the thrids, may be dissannullit, with expresse inhibitioun against the same in tyme coming.

[Item, that order may be taken, that such odious crimes as this day procure Gods heavie displeasure against the whole land, may be punished as God commandeth. C.]

Item, that the iurisdictione of the Kirk may be separate fra that quhill is civil.

[Item, that the question anent adulterers may be once decided, as well concerning the punishment of the adulterers, as quibither the adulterer shall be admitted to the benefite of marriage again or not. C.]

Answers given by my Lord Regents Grace, with advice of the Lords of Secret Counsell, and others of the Nobility, assembled in the Convention at Perth, the penult day of July.

Anent the act made in the Generall Assembly, concerning the assignation of ministers stipends, my Lord Regents Grace, with advice of the Lords of Secret Counsell, and others of the Nobility and Estates, assembled at this present Convention, ordains the assignation to be put in form, and thereafter to be presented to the Exchaque, to be seen and considered by the Lords auditors thereof; to the effect, that the order being found good and reasonable by them, and such of the kirk as shall happen to be present with them, provisions may thereafter be made, and expedite thereupon, according to the meaning of the said act; providing that commissioners or procurators of the Kirk, at the said Exchaque, present the names of the whole kirks in Scotland, and how many ministers are presently thereat; to the end it may be known what kirks are presently provided, and what desolate and destitute of the ministry; and also shew a perfect order how they would the ministers should be paid, by the thirds or otherwise; or have all the writs in readiness, which may clear doubts, and further resolution.

Anent the article desiring that the manse and glebs may be given to the ministers for their residence at kirks, and that the law thereupon may be made clear, that it may take execution, and likewise concerning the reparation of kirks, my Lord Regents Grace, with advice foresaid, promiseth, that he shall cause four, three, or two godly, discreet, and wise men, within the bounds of every superintendents charge, pass with the superintendent or commissioner within the country or province, and visit the manse and glebs of all kirks within the same; to the effect they may report to my Lord Regents Grace, and Lords foresaid, what is the particular quantity of every manse and gleb, by whom the same is presently occupied and inhabited, and be what right and title; as also how much they think sufficient for the lodging and commodity of every minister and reader; and, if they may, to appoint the minister or reader with the possessor of the manse and gleb; and as they do, to report; upon whose report his Grace shall hold hand to see the kirk and ministers presently put in possession of so meikle of the said manses and glebs as shall be

thought neecessar, be the said superintendents and visiters, for the lodging and commodity of the minister or reader, as said is, where there is no title to impede the same; and in case the same title, by law, be reduceable, or may be declared null, his Grace shall hold hand to see justice ministered thereupon with expedition: and where the matter standeth in terms, that the present possessors cannot be removed by order of law, without an explanation of the act of Parliament, his Grace shall travell to have the same act explained and made clear at the next Parliament; to the effect it may take execution in all times hereafter: and toward the reparation of the kirks, his Grace understandeth that there are acts of the Secret Counsell sufficient in that behalf already, if the same shall be put in execution.

Anent the article desireing superintendents may be planted throughout the whole realme, my Lord Regents Grace is content that so be done, the persons being godly and learned.

Anent the article desireing that commissioners may be planted throughout the whole realme, to cognosce in cause of divorcements, my Lord Regents Grace promisseth to take sufficient order in that behalf, be ane of the Lords of Session, at the next sitting down thereof.

Anent the article desireing that remedy may be provided against chopping and changing of benefices, and selling of the same, diminishing of the rentals, setting of long tacks in defraud of the Kirk, and that all tacks sett since the assumption of the thrids may be disannulled, with expresse inhibition against the same in time coming, my Lord Regents Grace ordaineth the said article to be well dilated and extended, and presented to the next Parliament, quhere the same shall have a good answer and resolution, quich presently cannot be done, through default of a speciall and expresse law against such abuses.

Anent the article desireing that the jurisdiction of the Kirk be separate from that quich is civil, C.] my Lord Regents Grace ordaines the persons nominate in the act of Parliament to conveyne the tyme of the Checker, and desyne and limitat the said jurisdiction, according to the word of God, and the said act of Parliament. *Extractum ex libris actuum Secreti Consilii,*

ALEXANDER HAY.

[The Earle of Argyle, by letter, required the Assembly to cause his wife adhere to him: The Assembly ordained the Superintendent of Fife

to admonish her, and report her answer to the commissioners appointed to be at the Convention at Sanct Johnston. C.]

The tenour of the Act made for Assignatioun of Stipends.

Forfameikle as this long tyme bygane the ministers hes bein univerfallie defraudit and postponit of their stipends ; and now at last it hath pleased God to move the hearts of the superiour power and estates of this realme, to grant the thrids of the hail benefices within this realme to the ministers of Chrysts religioun, be plaine and publick parliament, as at mair length is conteinit in the said parliament haldin at Edinburgh in the moneth of December 1567 ; in respect wherof, the Kirk presentlie conveynit finds it most neidfull and expedient, that all superintendents, ministers, exhorters and reidars, fall have their awin particular assignatiouns appointed to them, to receive the same fra the hands of the labourers, takfinen, or uthers addebtit in payment of the saids thrids : And therfor the Kirk in ane voyce, be this act, gives their full power and commissioun to every superintendent and commissioner of kirks within their awin bounds, that they and every ane of them, be advyse and consent of the commissioners of provinces appointit in the synodall conventiouns, give and make particular assignatiouns to every minister, exhorter and reidar within their awin bounds, as they fall find the same most expedient, under the superintendents subscription and ministers forsaids, with all claufes neidfull and expedient therto ; quhilk fall be als sufficient as if the same were sped be the Generall Assemblie of the Kirk : And as concerning the superintendents and commissioners of kirks, their provision and assignatiouns to be made be the Generall Assemblie of the Kirk, and to the effect this act may take full perfectioun, the Assemblie present requyres most humbly my Lord Regents Grace and Secreit Counsell to interpone their authoritie heirto ; that the assignatiouns forsaids, generall and particular, as they fall be presentit to his Grace, may be sped in forme of provisioun ad vitam, under the privie seale, with ordinance therupon, that lettres may be direct at every mans instance under all the foure formes, as is grantit to the possellours of the twa part ; and als to the same end, that his Grace and his Counsell forsaid wold discerne the thrids of the benefices forsaids within this realme, to be separatit and devydit reallie, and with effect, fra the 2 part ; so that the Kirk may intromett with the thrid part, as the old possellours does

with the two part; the superplus alwayes to be comptabill to the common affairs, according to the act of Parliament.

[And for accomplishment thereof, the Affembly giveth commiffion to the forsaid brethren appointed to goe to the convention at Sanct Johnfton with the articles before registred, that, among the rest, they may obtain the confirmation of this act.

Mr Alexander Gordon, some time commiffioner of Galloway, was ordained to come to the nixt Affembly, and in the mean time inhibited to exerce any function in the kirk, conform to the act made againft him in the Generall Affembly holden in July 1568, in quhich he was discharged to exerce the office of a commiffioner in that country, or take up the thrids quhich he had for that office, in cafe he compeared not before the laft Sef-  
sion of the faid Affembly.

Sess. 4<sup>a</sup>.

Mr Andrew Hay, commiffioner of Cliddisdail, and Mr Robert Pont, commiffioner of Murrey, delired to be difburthened of their commiffions, quherein they had travelled diverfe years bygone.

David Hume, minifter at Aldhamstocks, protested, that if it happened that Mr Thomas Hepburne were received to publick repentance for his offense committed, &c. the fame should no wife be prejudiciall to the gift he had from the fupreame magistrat of Aldhamstocks, through forefature of Mr Thomas; quhich protestation was admitted. C.]

Sess. 5<sup>a</sup> 9 July 1569.

[Mr John Wood prefented the Regents letter, and according to the credit given him, proponed certain heads to the Affembly, quhereunto answers were given. C.]

My Lord Regents Lettre to the Affembly.

After our most heartlie commendatiouns, feing we are not able to be prefent at the Affembly now approacheand, as our intencion was, we



thought it convenient breiflie to give you fignificatioun of our meaning in wryte ; of the quhilk we pray you take good confideration, and accordingly to give your advertifement. Ye are not ignorant, as we fuppofe, quhat hes bein the eftate of the kirk of God within this realme, both befor we accepted the burdein of regiment and fenfyne ; how firft the thrids of benefices were grantit, and the miniftrie therby partly releivit, and fustainit in fick fort, that nothing inlaikit that our travells could procure. The firft ordour, indeid, was diverfe wayes interrupted and brokin, bot chieffie in that geir when we were exylit in England, quherthrow the haill minifters that yeir were frustrate of their living. Shortlie the eftate of government altering at Gods pleafure, and the King, our foveraine Lord, being inaugurate with the crowne of this kingdome, the firft thing that we were carefull of, was that the true religioun might be eftabliſhed, and the minifters of the evangell made certaine of their livings and fuffentatioun in tyme comeing. Ye know at the Parliament we were moſt willing that the kirk ſould have been put in full poſſeſſioun of the proper patrimonie ; and toward the thrids, we exped in our travell, and inlaikit only a conſent to the diſſolution of the prelacies ; quherunto althogh we were earneſtly bent, yet the eſtates delayit, and wold not aggrie therunto. And ſen that tyme to this houre, we truſt ye will affirme, that we have pretermittit nothing that may advance the religioun, and put the profeſſours therof in furetie ; quheranent the haill and only inlake hes bein in the civill troubles that God hes ſufferit the countrey to be plaguit with. Now the matter being, after ſo great rage, brocht to ſome ſtay and quyetnes, it was convenient that we returne wher matters left, and preaſe to reduce them to the eftate they ſtood in. Ane thing we man call to remembrance, that in ſick tyme as we travellit in the parliament, to cauſe the eſtates to grieve that the thrids ſould be diſcernit to pertaine to the miniftrie, they plainly opponit them to us, in reſpect of the firſt act, alledgand, that with the ſuffentatioun of the miniftrie, ther was alſo regard to be had to the ſupport of the prince in ſuſtaining of the publick charges ; quhilks if they had not ſome releife be that meanes, the renew of the Crowne being ſo diminifhit, and the ordinar charges come to ſick greatnes, on force they wald be burdenit with exaetiouns ; and ſo this dangerous argument compellit us to promitt to the eſtates, that we wald take upon us, the act being grantit to the Kirk, they ſould ſatiffie and aggrie to any thing ſould be thought reaſonable for ſupporting of the publick charges of the Prince ; and



according to this, the commissioner deput for the affaires of the Kirk, aggriet to certaine assignatiouns of the thrids, for supporting of the King, and us bearing authoritie : Quhill ordour had bein sufficient for the haill, if the civill trouble had not occurrit ; zet the dissobedience growand fo univversallie, we are content to sustaine our part of the inlake and los for the tyme bypast. But becaufe ther hes bein murmure and grudge for that thing assignit to the Kings house, and ours, and some uther neidfull things in the state, as that therby the ministrie were frustrate of their appointed stipendis ; some communicatioun was had at St Androes, and nothing yet concludit quhill the Generall Assemblie of the Kirk, quhill now moves us to wryte to you in this forme ; prayand you rightly to consider the necessitie of the cause, and how the same hes proceidit fra the beginning ; haveing respect that the Kirk will be verie evill obeyit without the Kings authoritie and power ; and that now the propertie of the crowne is not able to sustaine the ordinarie charges ; how in the beginning the thrids had not bein grantit, if the necessitie of the Prince had not bein ane of the cheife causes ; and at the parliament, the estates, as we befor have wrytin, stak to consent that the haill thrids shuld be declarit to pertaine to the ministrie, quhill first we tooke in hand that they being made without condition in favours of the Kirk, the same wald againe condiscend to sa meikle as wald be sufficient to the support of the publick affaires, in forth setting of the Kings authoritie ; and that therfor ze will now aggrie, and condiscend to ane certaine and speciall assignatioun of it, that sall be imployit to this use, the quantitie wherof diverse of gour selves, and the beirar Mr Johne Wood our servand, can informe you, that after ye may distribute to every man having charge in the Kirk of God his stipend, according to the condition of the place he serves in, at your wisdoms discretioun. Heirby all confusioun, that lang hes troublit the estate of the Kirk toward the stipends sall be avoydit, and some speciall provision being made for sustaining of the publick charges, we may the better hald hand to sie the Kirk obeyit of that wheron the ministers shuld live, as we [have bein willing hertofor, and as we believe your collectors] sall report, that during our travells in the north countrey, they have found our effectuous good will and travell in their furtherance. Farther we man put you in mynd breiflie of ane matter, that occurrit at our late being in Elgyn. Ane Nicoll Sudderland in Forres, was put to the knowledge of ane allyse for incest, and with him the woman. The allyse hes convict him of the

fault. But the question is, whither the same be incest or not ; sa that we behoovit to delay the executioun, quhill we behoovit to have your resolution at this Assemblie. The case is, that the woman was harlot of befor to the said Nicolls mother brother. Mr Robert Pont can informe you more ampie, to whose sufficiencie we remitt the rest.

Moreover, at our coming at Aberdeen, ther came ane nameit Porterfeild, minister, provydit of befor to the vicarage of Ardrossland, and requyrit also of us, that he might have the vicarage of Stevinsfone, seing both was ane matter meane enough to sustaine him, and because the kirks were neir, he might discharge the cure of both, we haveing him commendit be diverse great men to the same ; bot thought good to advertise you, that this preparative induce not evill example and corruptioun ; alwayes in case sick things occurre heirafter, let us understand what ge wald have us to doe. As in lyke manner towards the chaplenries that fall happin to vaik, wheranent because ther is no certaine ordour prescryvit, some confusion stands ; some desyreand them for lyfetyne, some for infants that are of the schooles, and some for vii yeirs, we are sometyne preasit to receive or confirme assignatiouns, or demission of benefices, the preparative wherof appeirs to bring with it corruptioun ; and so we wold be resolvit how to proceed befor our coming fra Fyfe. And sensyne we have bein verie willing to doe justice on all persons suspectit of witchcraft, as also upon adulterers, incestuous persons, and abusers of the sacrament, wherin we could not have sick expeditioun, as we would have wischt, because we had no uther probabilitie, wherby to try and convict them, bot ane generall delation of names ; the persons suspect not being for the most part tryit, and convict be ordour of the Kirk of befor ; this hindrit many things, quhill utherwayes might have bein done ; and therfor we pray you appoint and prescrive, how the judgement of the Kirk may proceed and be execute against all sick trespassors, befor complaint be made to us ; that when we come to the countrey, we may cause execute the law, and be releivit of the tryall of inquisition heiranent. We thought expedient to give you this to advertisement ; and so remitts the hail to your care and diligence : committs you in the protection of the eternal God. Aberdeene the last day of Junij 1569. Your assurit friend,

JAMES REGENT.

[Farther ye shall credit the bearer towards the business of my Lord Huntly and the Abbot of Deir.]

[Thir are the heads proponed be Mr John Wood, in my Lord Regents Graces name, to the Kirk conveyin the 5 day of July, at Edinburgh 1569, with the resolutions and answers thereto.

#### Articles and their Anfuers.

In primis, That a sufficient sume be taken of the whole thrids of benefices and rents now in your hand, be the last act of Parliament, and particular presentations since that time, and granted for certain years to my Lord Regent now present for support of the publick charges; and that the same may be assigned in place and room commodious.

It is answered be the Kirk, that upon just consideration of my Lord Regents Graces necessity in the publick charges he presently beareth, they have consented, and consenteth, that the whole sommes of [viſtual] and money craved and desired by his Grace, in the last Convention of some of the Lords for that effect in Sanct Andrews, in the moneth of May last was, be granted and allowed, and readily answered be the Collectors, when the same shall be appointed and assigned; and for the more commodious assignation thereof, ordains an ample and sufficient commission to be made to the Commissioners that shall pass from this present Assembly to the Convention to be holden at Perth, the 25 day of this instant, givand grantand full power to the saids Commissioners, or most part of them, to assigne the foresaid summes of viſtuall and money upon such benefices and thrids as shall be most commodious for the Kirk, and the Regents behove, with consent of his Grace; and the same assignation to stand ay and whill the Kirk shall take further order herewith: Providing alwise my Lord Regent shall not pass, nor sollicite the Kirk to dispoſe, any farther of their rents, nor confirm any other pension granted furth of the saids benefices, or thrids quhatſomever, farther then law will compell the Kirk to doe. C.]

To the questioun, Whither the cryme before specified, committed be Nicoll Sudderland, be incest or not. Answerit: The Kirk finds it incest, and so hes resolved.

[Item, ane speciall answer anent the interpretation of double benefices be Mr John Porterfield, minister at Dumbartan. Answered and concluded: That no such gifts shall be in tyme coming; and that which is given is dissolved already. C.]

Item, anent the chaplenries that fall happin to vaik. Anfuerit : The Kirk aggries, that they be difponit to the colledges, or to the pure, conforme to the aēt of Parliament, and no utherwayes.

[Item, ane order to be taine anent the demiffion or refignation of benefices. Answered : The Kirk understands that all refignations and demiffion of benefices muft be made in the hands of the Kirk ; the patronages alwife referred to the lawful patrons.

Item, to know what aētions ye receive, to be inquired of be the miniftry ; and that the delations be fo amply taine as ane dittay may be fufficiently formed, that the civil fword may follow. Answered : It is referred to the convention at Sanct Johnfton.

Item, anent the defires for my Lord Huntly and Deir. Answer : Becauſe of my Lord Regents Graces request, the Kirk would gladly doe that thing quich lay in their power ; but be reaſon of the rigorous handling of my Lord Huntly, in the great neceffity of the Kirk in theſe parts, and of the great poverty quich the poor brether fuftaineth in theſe bounds, the Kirk can in no wiſe remitt the thing that pertains to the poor minifters : And likewiſe of my Lord of Deir, who deburſed his money to the enemies of God, to perfecute his ſervants and baniſh them out of the realme.

Item, what they will doe anent my Lord Regents ſupplication in favours of George Robſone of Dundie. Answered : The Kirk aggreeeth hereunto, in reſpect of many circumſtances ; providing likewiſe this be not a preparative to any others.

Item, a declaration, how my Lord Regents answers pleaſe them, anent the precept granted to Mr James Harvie. Answered : The diſcharge of the writting, given to the ſaid Mr James and his complices, pleaſeth the Kirk very well, and thanketh his Grace thereof.

The Affembly appointed the Superintendent of Lothian, Mr Knox, Mr John Craig, and Mr David Lindſay, to reviſe the aēts of the Generall Affemblies, and note the aēts quich concern the common affairs of ſuperintendents and minifters, and cauſe the ſamen to be printed ; and alſo the form of excommunication, with the inauguration of the ſuperintendents and minifters.

It was ordained, that ſuch as come to the Affembly, repaire in due time, before the beginning of the ſame ; otherwiſe to proceed againſt them. C.]

A. D. M.D.LXIX.

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[THE Generall Affembly, quhich should have been holden in Stirling, the 25 day of February, was continued to the first of March, to be holden at Edinburgh; becaufe none conveened but the Superintendent of Lothian, John Duncanfon, Minister to the Kings Majesties house, Patrick Gillespie, Minister at Sanct Ninian, John Clapperton, Exhorter at Livingston, be reason of the murther of the Regent, and for other causes. C.]

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A. D. M.D.LXIX.

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THE General Affemblie being appointit the 25 of Februar, in Stirling, be reafon of troubles fallin out be the flaughtir of my Lord Regents Grace, was continuit till the firft of Marche, and begun in Edinburgh the faid day, 1569, in the Tolbuith therof; quher were prefent the Nobilitie, Superintendents, Commiffioners to plant kirks, Minifters, Commiffiouners of kirks and townes. The fermoun and prayers made be William Chriftefone Minifter of Dundie, laft Moderator.

Seff. 1<sup>a</sup>.

[Mr Knox, Mrs John Craig, John Row, William Chriftefon, were appointed to confult upon the order of proceeding in actions to be treated in the Affembly, which they did, as followeth. C.]

Ordour to proceed in the Affemblies.

First, that he who was Moderatour in the laft Affemblie, fall make the prayer and exhortatioun in the Affemblie thereafter following; quhilk endit, the Kirk proceedit to the choofing ane new Moderatour, who fall continue and make prayers and exhortatioun, as faid is, and fo furth fra Affemblie to Affemblie.

Secondly, the tryall of Superintendents, and Commiffioners for planting of kirks, with the accufatiouns, if any beis, be Superintendents, Commiffioners, or any uther, againft minifters.

Thridlie, the penitents remittit to their Superintendents or Miniffers, at the laft Affembly, to be receivit according to the ordour appointit be the faid laft Affembly ; and els to give injunctiouns to uthers notorious criminall perfons, that either are fummoned be the Superintendents, Commiffioners of the Kirk, or of their awin frie will, moveit be haittreit of their cryme, presents themselves to the Generall Affembly.

Fourthlie, to difcerne upon fick things as either was undecydit at the preceidand Affembly, and remitted to this ; or els referritt hitherto be the Lords of Sefsioun, auditors of Checker, or uther wayes.

[In the fifth place, collectors fhall be called to give their accompts of their diligence, namely of the horners, that thereanent remedy may be provided ; and alfo that they may be difcharged, or continued, as occafion fhall ferve.

In the fixt place, the complaints of countries for want of Superintendents fhall be heard, and provided for, according to the neceffity of the country which requireth ; and likewife appellations interponed from the Synodall Affemblies to the Generall, fhall be received.

In the feventh place, queftions proponed in the firft and fecond day of the Affembly, fhall be decided be fuch as fhall be appointed thereto.

In the eight place, all bills and complaints fhall be read and answered. C.]

Seff. 2<sup>a</sup>. 2 Marche 1569.

The hail brethren conveint, in ane voyce, for efchewing of confufioun in reafoning, choofe Mr Johne Craig, ane of the Miniffers of Edinburgh, to be moderator in this Affembly, and to make the prayers and fupplicatioun in the beginning of the nixt Affembly, according to the ordour appointit.

[The fuperintendent of Fife complained upon Mr George Leffy, Minifter of Kilconquhar, for not making refidence at his kirk, but travelling in diverfe parts of the country at his pleafure : It was ordained that he be admonifhed, and in cafe of difobedience, fufpended or depofed.

Mr Andrew Hay, Commiffioner of Cliddisdail, complained upon David Hamilton, Exhorter at the kirk of Monkland, alledging that he had committed double fornication, and refufed to underly correccion : The Af-



fembly ordained to proceed to excommunication against him, and to depose him from all function in the Kirk. C.]

Anent the complaint givin in be Thomas Smith in Uchiltrie, agains Mr Johne Inglis, minister in Uchiltrie, for debarring of the said Thomas fra the Lords table, becaufe he removeit ane shoe of ane horse upon ane Sunday afternoon in Ochiltrie, wher neither preaching nor publick prayers was : After long reafoning, the haill Kirk ordainit the said Thomas to be receivit to the participatioun of the Lords table, and uther benefites of the Kirk hereafter, notwithstanding of the allegit fault above mentionat.

[Some adulterers and incestuous persons compeared in linnen cloaths, bareheaded and barefooted, with testimonials of their honest behaviour during the time of their publick repentance since the last Assembly, according to the injunctions given them. They requested for farther injunctions, if it was the will of the Assembly that they might be received to the society of the faithfull. The Assembly ordained the said persons, and every one of them, and all others, who hereafter shall happen to fulfill their injunctions, C.] and hes not stubronlie contemnit the admonitions of the Kirk, nor sufferit the sentence of excommunication for their offences, fall make publick repentance in sackcloath at their awin kirks, bare heidit and bare foottit, thrie severall days of preaching ; and after the said thrid day, to be receivit in the society of the kirk in their awin cloaths. The uthers that has bein excommunicat for their offences, fall present themselves in sackcloath, bareheidit and barefoottit, saxe preaching dayes ; and the last after sermon, to be receivit in their awin cloathes, as said is.

[John Adam of Mauchlin, excommunicat for presenting his child to be baptized be a popish priest, in papistcally manner, presented himself. He, together with other adulterers and incestuous persons, were admitted to publick repentance, conform to the order sett down in the second session of the Assembly, holden in July 1569.

John Flint, Vicar pensioner in Aitton, summoned to compear for abusing the sacraments, compeared ; and was ordained to abstain from all function within the Kirk, till the superintendent of Lothian tried his ability and learning. C.]

Sessio 3<sup>a</sup> 3 March 1569.

Anent homicides, incestuous persons, and adulterers, not fugitive from the lawes, bot continuallie futeing to be receivit be the Kirk to publick repentance: After long reasoning, with mature deliberationn, the hail brethren presentlie assemblit concluded, that all sick persons humble fuiting fall be receivit to give the signes of their repentance in their awin kirks, according to the ordour appointed befor, at quhilk tyme the ministers fall publicklye notifie their crymes, that thereby the civill magistrates may know the crymes, and pretend no ignorance thereof.

[The particular injunctiōns to be used be every particular kirk, touching the trial of signs of repentance of these that are admitted, or hereafter shall be admitted be the Generall Assembly to publick repentance, for slaughter, incest, adultery, or other haineous crimes, are these, to wit: C.] If they be excommunicat for their offences, they fall stand bareheidit, at the kirk doore every preaching day, betwixt the assemblies, secludit from prayers before and after sermoun; and then entir in the kirk, and sitt in the publick place bareheidit all the tyme of the sermons, and depart before the latter prayer.

The uther that are not excommunicat, fall be placed in the publick place, wher they may be knowin from the rest of the peiple, bareheidit the tyme of the sermons; the minister remembring them in his prayer in the tyme after preaching; all the saids persons to bring their ministers testimonials to the next Assemblie, of their behaviour in the meane tyme, according to the act made thereupon be the Kirk, in the 2 sessioun haldin the 7 of July 1569.

Anent the complaint of the parochiners of Kilmenie, for want of a minister to preach Gods word, and minister the sacraments: The hail Kirk concludes, that in respect of the number of qualified and learned men of the auld Colledge, able to preach, and also the neirnes of the said Colledge to the said kirk, that some of them fall either preach and minister the sacraments to the peiple, or els injoyne uthers to doe the same, quhill farder ordour be tane.

[In respect that James Hunter, armorar in Edinburgh, was reconceiled with his first wife, and cohabited with her till her lifes end; the Assembly judgeth him not to be subject to the act made against adulterers separated

for adultery; but that he may marry again, providing he satisfie the Kirk of Edinburgh, for breaking the publick order of the Kirk at his second marriage.

Sess. 4<sup>a</sup>.

Certain scandalous persons were admitted to publick repentance, conform to the injunctions made in July 1569, and uniform order sett down in the third session of this Assembly.

Sess. 5<sup>a</sup>.

It was ordained, That all collectors be warned to compare at all Generall Assemblies, which are to be holden hereafter, to know the mind of the Assembly anent their offices, and other affairs pertaining to them and the Kirk, under the pain of deprivation from their offices; and that this advertisement be given to them be any Superintendent, Commissioner of kirk, or Minister.

The Superintendent of Fife, Mrs John Row, David Lindsay, and James Nicolson, were appointed to convene with the Clerk of Register, and consult for taking order, touching such things as were referred to the Assembly, be Lords auditors of the Checker; and chiefly anent the diminishing of the rentals of the thrids.

As for the selling of victuals from year to year, The Assembly thinketh it expedient that every Superintendent or Commissioner, where there is any, and that failing, the next Superintendent or Commissioner adjacent, with the assistance of such assessors as they shall think good to assume and choose to them, shall appoint the prices yearly of victuals, and notify the same to collectors in such quiet manner as they shall think expedient.

The Superintendent of Fife, Mr David Lindsay, and Mr John Row, were ordained to convene with the Advocats of the Kirk, and James Nicolson, and advise upon the matters referred, be the Lords auditors of the Checker, to the Assembly; and to give their judgements therein, which, with the doubts they shall find, they shall report to the Assembly.

Seff. 6<sup>a</sup>.

It was concluded, That Superintendents, Commissioners of kirks, present and to come, with the Ministers of their provinces, or most part therof, in their synodall conventions, shall choose and depose their collectors, as occasion shall serve.

The Assembly appointed every Superintendent and Commissioner, in their own provinces, with the assistance of so many Ministers as they shall choose, to take particular assumpts of the thrids of all benefices not assumed; and to report the samen to the next Generall Assembly.

The heads of the accusation, and chief offenses, laid to Adam bishop of Orkney his charge, which the Assembly desired to be redressed.

In primis, The said Adam being called to the said office of Bishoprick, and promoted to the profite therof, and specially in Christs Kirk, received the charge of preaching of the evangell; to be also Commissioner in Orkney, quhich he accepted, and executed for a certain space thereafter: quhile now of late he hath made a simoniacall change of the same with the Abbacie of Halyrudhouse; yet bruiking the name, and stiled Bishop of the same, contrar to all laws both of God and man made against simony.

Secondly, He hath demitted the said office and cure, in and unto the hands of ane unqualified person, without consent and licence asked and granted be the Assembly, leaving the flock destitute without shepherd; whereby not only ignorance is increased, but also most abundantly all vice and horrible crimes are there committed, as the number of six hundreth persons, convicted of incest, adultery, and fornication in Jetland, beareth witness: and hath simpliciter left the office of preaching, giving himself dayly to the exercise of the office of a temporall Judge, as a Lord of the Session, which requireth the whole man, and so rightly no wife can exercise both; and stileth himself with Roman titles, as Reverend Father in God, which pertaineth to no Ministers of Christ Jesus, nor is given them in Scriptures.

Thridly, To the great hurt and defraud of the Kirk, hath both all the thrids of the said abbacie of Halyrudhouse from the said Lord Robert and his bairnes, alledged just possessors of the same, at least made a simonia-

call change thereof with the rents of Orkney for the same, without consent or knowledge of the Assembly, as diverse contracts made thereupon bear witness; and he hath sett 19 years tacks of the lands of Brughton to his wife.

Fourthly, That he neither planteth kirks destitute of ministers in either of the said rooms; neither sufficiently provideth nor sustaineth the small number planted before his entry; so that except hasty remedy be found, for meer poverty the poor ministers must depart from the said places, with dolour of their hearts, and also the flocks committed to their charge, as in particular the kirks of Liberton and Sanct Cuthbert can bear witness; and the remanent wholly destitute: also two kirks, to the number of fix hundredth foules, that never heard the word twice preached, nor received the sacraments, since the Reformatione, viz. Fawkirke and Whytkirke, among all the rest of the number of 27, or thereby, in Lothian, and Galloway.

Fifthly, All the said kirks, for the most part, wherein Christs evangell may be preached, are decayed, and made, some sheepfolds, and some so ruinous, that none darre enter into them for fear of falling; specially Halruthouse, although the bishop of Sanct Andrews, in time of papistry, sequestrate the whole rents of the said abbacy, because only the glassen windows were not holden up and repaired.

Sixtly, The said Adam hath accused, both publickly and privately, the Ministers of Edinburgh, as persons that have past the bounds of Gods word in their publick teaching, &c.: In token whereof he hath absolutely absented himself from all preaching in the said kirk, and receiving of the sacraments, howbeit he hath had his dwelling place within the said burgh, at certain and diverse times senfyne.

Many moe might be laid to his charge; but the Assembly trusting the former being amended, the rest will the better be redressed, doth superfeed.

Patrick Galbraith at Garvett, was ordained to compear, the first Tensday of Aprile next to come, before the Superintendent of Lothian, in the Synodall convention of his province in Edinburgh, there to be excommunicate be him. C.]

Seff. 7<sup>a</sup>. 9 of March 1569.

Anent Robert Lickprivick his supplicatioun for support of the Kirk in his office of printing: The Kirk, having respect to his povertie, the great expensses he hes made in buying of printing yrnies, and the great zeale and love he beares to serve the Kirk at all tymes, hes assignit to him fiftie pundis, to be yearlie payit out of the thrids of the Kirk, be the collectours underwrytin, viz. be the Collectour of Lowthiane x lb. the Collectour of Fyfe x lb. the Collectour of Angus x lb.; quhilk fowme the auditors of the comptis for the Kirk fall thankfullie allow to every ane of them.

[Some brethren were appointed to convene apart, and decide questions.

Seff. 8<sup>a</sup>. 10 of March 1569.

It was ordained, That every Superintendent, or Commissioner for the time, shall modifie the stipends, augment or diminish the same, as occasion shall serve, with the assistance of the brethren presently nominated; providing they report the said stipends, the Ministers names hereafter to be planted, the augmentation or diminution of the stipends, to the register of the Ministers and their stipends; noting the time of appointing of the stipend, the entry of every minister, and time of augmentation of the stipend, to the effect that they and collectours may have the extract, and rolls thereof. C.]

It is statute and ordainit, That no minister provydit, or that heirafter fall be provydit to benefices, sett in taks, any manner of way, their gleibs and manfes, neither yet any part of the fruites and emoluments therof, in diminutioun of their rentalls; under the paine of depyrving fra their benefice for ever: discerning also the taks sett in manner forsaid, to be null and of no effect, as done be him that hes no power.

Seff. 9<sup>a</sup>.

[Andrew Lord Uchiltrie, George Hume laird of Spott, Robert Fairlie laird of Braid, William Lawder laird of Hautone, Andrew Ker



laird of Fadounside, Mr John Spotswood, Superintendent of Lothian, Mr Knox, Mrs George Hay, David Lindsay, John Row, were appointed to convene before the Nobility presently assembled in Edinburgh, or whensoever they shall assemble hereafter, till the next Assembly; and in their name present some articles, require and receive answers, and report the same to the next Assembly.

Seff. 10<sup>a</sup>.

Mr Patrick Adamson shewing that he was appointed, be the advice of the brethren then convened in Edinburgh, to await on Court and preach to my Lord Regents Grace, and for that purpose was modified to him five hundred marks be year, and had served three months upon his own expence; therefore requested the brethren to appoint where he shall receive payment of his stipend pro tanto; which was done.

The Bishop of Orkney presented his answers to the offenses layed to his charge.

To the first he answered, That it is true, that in the 58 year of God, before the reformation of religion, he was, according to the order then observed, provided to the Bishoprick of Orkney; and when idolatry and superstition was suppressed, he suppressed the same also in his bounds, preached the word, administered the sacraments, planted ministers in Orkney and Setland, disposed benefices, and gave stipends out of his rents to ministers, exhorters and readers; and when he was a Commissioner, visited all the kirks of Orkney and Setland twice, to the hazard of his life in dangerous stormes on the seas, whereby he contracted sickness to the great danger of his life; till he was suspended from the exercise of the said commission, in the year 1567, be reason of his infirmity, and sickness contracted through the air of the country, and travells in time of tempest: at what time he desired some other place to travel in, which was then thought reasonable.

As for demitting of his office, He denied that ever he demitted to my Lord Robert the same, or any part thereof: but that the said Lord Robert violently intruded himself in his whole living, with bloodshed and hurt of his servants; and after he had craved Justice, his and his servants



lives were fought in the very eyes of Justice in Edinburgh; and then was he constrained, for meer necessity, to take the Abbacie of Halyrudhouse, be advice of sundry godly men; because then we could not have the occasion of a Generall Assembly.

As to the second, He denied that he had abandoned absolutely the preaching of the word, or that he intended so to doe; but was to bestow his travells in preaching, as the ability of his body, and sickness whereunto he was subject, would suffer or permitt. He confessed, that, in the 1563 year of God, he was required by the Kings mother, to be a Lord of the Sessione, which he accepted, with advice of godly and learned men, computing it not repugnant or contrariouse to any good order as yet established in the Kirke; and alledged that diverse others having benefices, have done the like, and are not condemned for so doing; yea, he doubted not to affirm, that as the office itself was allowable, so it should be profitable for the Kirke, that many preachers of the evangell were placed in the Sessione. Item, seeing superintendents and ministers are, and may be temporall judges in other inferior offices, and no fault layed to their charge, he wondered why it should be counted a fault in him only.

As for the latter part of the second article, he answered thus, With pardon and reverence of the Assembly, I may declare, that I never delighted in such a stile, nor desired any such arrogant title; for I acknowledge myself to be a worm of the earth, not worthy any reverence; giving and attributing to my God only, all honour, glory, and reverence, with all humble submission.

To the third article he answered, That it is true, that he had sett ane affection of the fruits of the bishoprick of Orkney to the said Lord Robert, for the yearly payment of certaine duties contained in his tacke; and albeit the said Lord Robert, for payment of a part of the yearly duty forsaide, assigned to him a certaine pension, which his bairnes had assigned unto them, of the fruits of the Abbacy of Halyrudhouse; of which pension they had confirmation be act of Parliament, and were in real possession without impediment diverse years; with provision also, that in case it shall happen, the pension be evicted from them, the said Lord Robert shall pay to him so mickle silver, victuall, and goods of the fruits of the Bishoprick of Orkney, as extend to the just valuation of the said pension; which thing is done, and permitted universally throughout the whole realme, that any ecclesiasticall person may sett a part of his benefice in tack for the

yearly payment of a just duety, and so there is nothing bought or sold in defraud of ministers : but be the contrar, he being troubled be vertue of letters of horning, at the instance of the collectors of the Kirk, and also at the instance of the said Lord Roberts bairnes, charging him to make double payment, he meaned himself to the Lords of Session, desiring both the parties to be called before them, and to decide who had just title ; which action was yet depending before the Lords to his great hurt, for in the mean time his whole living is sequestrate : and in case the collectors of the Kirk evict, he will get recourse and payment of the fruits of the bishoprick ; and that he has made no other plea or impediment be himself, or be his procurators.

To the first part of fourth article, he answered, That he had no commission to plant or visite, since his entry to the said Abbacy ; but if they would give him a conjunct charge with the superintendent of Lothian, he should so travell that they should be satisfied.

As to the second part, he answered, That the whole thrids of the benefice of Halyrudhouse, are to be paid forth, either to the collectors of the Kirk, or to the Lord Roberts bairnes : and attour the most part of the fruits of the two part of the said Abbacy is assigned and given forth in penions to diverse persons, before his provision ; and yet he hath payed to the ministers their stipends, as they were wont to receive forth of the said Abbacy, and hath augmented some ministers stipends : and also, if the plea depending before the Lords were decided, would be as liberall in the sustentation of ministers as become him, having respect to the rent of the benefice ; and withall desiring, that so many ministers, some times Channons of the place, having a great part of the living assigned out of certain kirks now altogether destituted, might be charged to serve rather in the saids kirks, then in others, as other Channons doe in other kirks, whereof they receive their living ; and promised, if so were done, to augment their stipends largely.

As to the fifth he answered, He was but of late come to the benefice ; and the most part of these kirks were pulled down be some greedy persons, at the first beginning of the Reformation, which hath never been helped or repaired senfyne ; and few of them may be repaired be his small portion of the living ; but specially the Abbay Church of Halyrudhouse, which hath been, these 20 years bygone, ruinous through decay of two principall pillars, so that none were assured under it ; and two thousand pounds bestowed upon it, would not be sufficient to ease men to the hearing of the

word, and ministratioun of the sacraments. But with their consent, and help of ane establisshed authority, he was purposed to provide the means, that the superfluous ruinous parts, to wit, the Queir and Croce Kirk, might be disposed be faithfull men, to repair the remanent sufficiently; and that he had also repaired the kirks of Sanct Cuthberts and Liberton, that they were not in good case these 20 years bygone: And farther, that there was ane order to be used for reparation of kirks, whereunto the parochiners were obliged, as well as he; and quhen they concurred, his support should not be inlaiking.

As to the last, He denyed that he spake any thing, but that which he spake in the last Assembly in their own audience. God forbid that he should be a detracter of Gods ministers, for any privie injuries done to him, as he alleged none: if there were any, he would rather burie them, then hinder the progresse of the evangell.

As for absenting himself from their preaching, he answered, He only kept his own parish kirke, where he received the sacraments.

Mr Knox, Mr John Craig, Mr David Lindsay, were appointed to try the sufficiency of these answers, and to report to the next Assembly.

Mr David Lindsay was appointed to present certain articles to the Lords of Session, and to require their answers: The articles and answers follow:

First, The thirds are decerned to pertain to the Ministers, be a law and act of Parliament past *in rem judicatam*, and have received execution of a decreit and sentence of liquidat sumes and victualls; against the which your Lordships, by your dayly practice, use to give no suspension, without consignation of the sumes decerned: and notwithstanding, there are so many suspensions of this execution for the thirds given, that both your Lordships are troubled with the proceffe, and the poor ministers defrauded of that quheron they should live; for remeed quherof, the Assembly most humbly requireth your Lordships to take such order herein, as that no suspensions be given for the thirds in times coming, except the complainers desiring the suspension, make payment to the collector of so meikle as is out of question, if it stand in difference of the question of the rentals; and consign in the Clerke of Registers hands, so much more, as shall happen to be decerned, or find caution in Edinburgh responfable therefor; And likewise consign, or find caution, if he claimeth the whole thrid to be discharged, for the whole: And that none of thir pass upon light causes,

but be read in prefence of your whole Lordships, before the bills be past and delivered.

16 Martii 1569.  
Agreed.

Item, That no letters past upon your Lordships decreets given upon new proviſiones or ſummons warrand all parties to hear letters given, except there be ſpeciall proviſione and exceptione made of the thrid therein ; or els that the complainer have ſufficient testimony that the thrid is allowed in his ſtipend, or remitted be ſome good order, and ſhew the Kirks admiſſion and ordinance thereupon : And for obſerving thereof, that your Lordships would take ſuch order with your own Clerks of the Seſſion, that no lettres paſs by the proviſion foreſaid ; and that the cautions be given, or ſufficiently notified in writt, to the Clerk of the Collectory, or to the procurators of the kirks, to the effect that the Kirk may call therefor, when time is.

Agreed.

Item, That your Lordships will give letters, at the inſtance of the procurators of the Kirk, to charge all beneficed perſons that as yet have not given in their rentalls, to produce and give in the ſame, at ane certain day to be appointed be your Lordships therto ; with certification, if they failgie, your Lordships will direct letters to uptake and bring in the whole fruits of their benefices, to the uſe of the miniſtry, conform to the firſt act and ordonance made for uplifting of the thrids, and, in the mean time, that ye would give command to the Commiſſars to ſequeſtrat the whole fruits of their benefices forſaids, not given up in rentall, as ſaid is ; with letters of full inhibition be your own deliverance, that none anſwer, obey, nor make payment of any part of the fruits of the ſaids benefices, unto the time the poſſeſſors pretending right therto, give in ſufficient rentalls thereof ; and either give a particular aſſumption, or caution for the thrids, as the Kirk will ſtand content with.

Agreed.

Item, That according to your Lordships order already taken anent the calling of the Kirks actions, and promiſe made thereupon, that ye will cauſe the ſame to be obſerved ; to wit, that every day of the Seſſion, ye will call one of the Kirks actions to be given in be the Soliciter and procurators of the Kirk, as weil of the particular as generall cauſes therof. And becauſe it is well known to your Lordships, that fra ye enter in other cauſes, it is not poſſible to you to get any other called ; therefore your Lordships will condeſcend and ordain the ſaid actions of the Kirke, to be dayly called firſt before any other, ſo that it be not deferred to the end ; wherethrough both the actions lye

uncalled, and your Lordships are troubled and slandered, that ye doe nothing in the Kirks causes.

Answer: The Lords will doe such diligence to satisfie this article, as they may goodly.

GEORGIUS GIBSON, Scriba Confilij,  
de mandato Dominorum Confilij.

The brethren appointed to resolve questions, exhibite their resolutions, as followeth:

Question, C.] Quhat shall be done to them that will not forbear the companie of excommunicat persons. Answer: After due admonitiouns, to be excommunicat, except they forbear.

[Q. If it shall be thought good, that excommunicatione shall be orderly fulminat against the wicked murderer of my Lord Regents Grace; and against all these that had any part, art, or counsell therein, or yet were maintainers of the same. A. The persone committer is to be excommunicat in all notable townes; and the excommunicatione is to be notified in paroch kirks, where there is order; and the rest are to be proceeded against, as they may be lawfully convict.

Q. Seeing the present estate of the Kirk, What is now presently to be desired at the Counsell and Nobilitie, for the weale of the same; and if ratificatione is to be craved of such things as my Lord Regents Grace lately granted to the Kirk. A. Ratificatione of things done by my Lord Regents Grace is to be required; and farther as the Assembly shall think good.

Q. If baptisme is to be ministred to the children of the excommunicat. C.] The children of excommunicat persons to be receivit be a faithfull member of the Kirk to baptisme.

Q. [If two parties be contracted, the bannes proclaimed, and the day appointed for solemnizatione of marriage before the minister and congregation, the woman refuse allutterly to take the man, Whither she shall be compelled or not; and what shall be the ministers part in this case. A. The matter is to be referred to the Commisars; and the woman to be punished upon trying of her cause, according to the order of the Kirke.

Q. What order shall be taken anent abbacies now vacant, and not provided. A. It is to be meaned to the Lords by way of supplicatione, that the tithes may be employed to the sustentatione of the ministry.

Q. Shall the single woman committing adultery with a married man, be equallie punished with the man, and compear before the Generall Assembly. C.] A. A single woman committing adulterie with a married man, sould be equallie punishit [with the man, and receive injunctions of the Generall Assembly.

Q. A woman divorced for adultery committed be her, contracting marriage with another, beareth a child to him, and desireth to proceed to the solemnizatione of marriage, Whither shall the man be permitted to marrie this woman. A. Let her present herself to the Assembly to be punished; and then let her supplicatione be given in, and she shall have ane answer.

Q. What shall be done,] where a man repudiats his wyfe and bairnes without a cause, and no wayes will receive her againe. A. The minister sould labour for reconciliation; and the partie offendit complaine to the Judge competent.

Q. A promise of marriage made befor the reidars and elders in a reformat Kirk, the parties contractit compeirs before the minister and session, requires the bands to be proclamit; quhilk beand done, the Kirk finds carnall copulation to have followit be confession of both the parties: When the Kirk requyres them to proceed to the solemnizatioun, the woman refuses. A. Admonische the partie refuseand to solemnize the marriage; or els to get a decreit from the Judge competent, that they sould not marrie, under the paine of excommunication.

Q. Persons, after promise of marriage [made before witnesses,] and proclamation of the bands, defyreand to be frie from the bands, no carnall copulation following. A. They sould be frie, si res est integra, and their inconstancie punishit.

Q. [Two men haveing lyen with two sisters, If any of them may



marrie the daughter of the other man begotten upon another woman, and not upon any of the two sisters before mentioned. A. No impediment found.

Q. If a Minister having a benefice in one shire, and another in another shire, may be chosen to the thirde office, viz. to be a Superintendent, or Commissioner. A. Not, except the particular kirks be provided according to the time.

Q. In respect of the great offences committed in disturbing of the common peace, and breaking the unity which God hath made betwixt the realms, and that be these who have avowed themselves professors of the word of God, who have not allanerly often times committed the forsaide offences, but still to aggrege the same, have received and maintain the rebells of England, despising herein both God, and the present authority : The minister where such enormities are committed, requireth your judgement, What becometh him to doe, and how he shall use himself towards them for safety of his conscience, and avoiding of slander. A. Let him reprove vice, without exceptione of persones, conforme to Gods word prudently.

Q. If any persone having already of the Kirk a sufficient living, and after called to the office of a Superintendent or Commissioner, shall have a new stipende appointed, or rather be content of the old living, if it be sufficient for his office ; or at most to receive such augmentation as the burthen of the office requireth. A. Let this be considered be their discretion, at their electione.

Q. A man having two benefices in fundry shires, and under fundry superintendents, serving for one of them, If he shall have thrid of the other discharged. A. Because this questione hath been moved before, and, as we understand, resolved, we remitt the answere to the sight of the same in the Register.

Q. If it be lawfull for Ministers to leave their vocation, and use uther offices and charges within the commoun weill. C.] A. It is not leifum for Ministers to leave their vocation, and use uther offices and charges



within the commoun weill, without content of the Kirk; and, in tymes coming, it is neidfull, that all that serves in the ministrie be publicklie inaugurate.

[Q. A certaine man, whose wife was banished of Dundie ten years since, for certaine crimes committed be her, hath begotten a child upon another woman about two years since, not knowing whither his wife was living or dead; for which offense he was punished be the magistrat; and hath made diligent inquiry, according to the injunctiões given to him, to learne whither she was living or dead, and can come to no certaine knowledge thereof, as his testimonials bear witnes: He requireth now, Whither the Assembly will injoyne him any farther satisfiactiõe for his crime, and whither he may have liberty to marry. A. Edicts are to be served for farther searching of the woman; and farther punishment for proceeding in marriage is to be suspended to the nixt Generall Assembly.

Seff. 11<sup>a</sup>.

The Commissioners appointed in the last Assembly to give answer to my Lord Regents Graces desires, produced the said answers with his Graces promises contained therein; together with the assignation of money, and victualls to the Kings Majesties house, the Regents Graces, and others; both subscribed with his hand.

First, They condescended, That the assignations before granted for the Kings Majesties house, and other common affairs, stand in form as before; and that during the Kirks will.

Item, That the sumes appointed for my Lord Regents own house, extending to five thousand merks or thereby, which the collector should have paid, shall be paid.

Because thir premises are granted, my Lord Regent promisseth faithfully not to charge the Kirk with any farther duty of the thrids; but if a superplus remain, the Ministers being paid, it shall be bestowed to such Godly uses, as the Assembly thinketh best, be his Graces advice.

And, to the effect that good payment may be gotten of the whole, my Lord Regents Grace promisseth to travell to the uttermost of his power,

that obedience may be given ; and that the laws made againſt diſobedients ſhall be executed.

Farther, His Grace giveth power to chooſe, or depole, if need be, their own collectors, and to call them to accompt, when they think good ; without prejudice to the generall compt yearly to be made in the Exchequer.

In like manner, His Grace condeſcendeth to the particular aſſignation of Miniſters, where they may be conveniently gotten, without prejudging the aſſignations before granted, and the ſumes granted to my Lord Regents Graces houſe ; providing the foreſaids aſſignations, ipſo facto, be diſolved, whenſoever the aſſigney obtaineth any benefice ſufficient for his ſtipend, or that the Aſſembly ſhall think otherwiſe.

Item, That Miniſters, and Superintendents ſtipends ſhall be modified, and appointed be ſuch as the Generall Aſſembly, having warned his Grace and Counſell thereunto, ſhall appoint. C.]

JAMES REGENT.

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A. D. M.D.LXX.

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THE Generall Assemblie of the Kirk, haldin at Edinburgh, in the Nether Counsell Houſe, the fyft day of Julij 1570 ; quher were aſſemblit the Nobilitie, Barronis, Superintendents, Commiſſioners of Kirks, Provinces, Townes, and Miniſters. The exhortatioun and prayer made be Mr Johne Craig.

The haill brethren prefentlie conveinit chooſe Mr Robert Pont, Moderatour for this Aſſembly.

Seſſ. 1<sup>a</sup>.

[The Superintendent of Fife was delated for negligence in reparation of Kirkes. His excuſe was, He could gett no officer of armes to putt in execution letters againſt parochiners, where the ſaid kirks were ruinous. The Aſſembly ordered the Superintendents, and Commiſſioners for planting of kirkes, to charge the Collectors officers within their provinces reſpective, to execute letters for reparatione of kirks decayed, as the ſaid Superintendents or Commiſſioners ſhall charge them ; who ſhall cauſe them be ſatiſfied at the diſcretion of the Aſſembly, conforme to their diligence and pains taken thereanent.

Commiffion is given to Mr John Robertſone, Theſaurer of Roſſe, to aſſiſt Mr Donald Monroe, Commiſſioner of Roſſe ; becauſe the ſaid Commiſſioner was not prompt in the Scottiſh tongue. C.]

Seff. 2<sup>a</sup>.

Penitents that for their offences resorts to the Generall Assembly, either to receive injunctiouns, to shew signes of their repentance, or that shoulde present themselves befor the same in linnen cloathes, and receive farther injunctiouns; That they be warnit [by their Superintendents, Commisioners or Ministers,] to compeer the second day of the Assemblée peremptorie.

[Because some, who had once accepted the office and charge of preaching the word, had deserted their calling, the Assembly ordained, That all and sundry Ministers, who hereafter shall accept the said office, shall be inaugurate publicly, conforme to the order appointed in the end of the Booke of Excommunicatione: And] Ministers at their publick inauguration shall protest solemnlie, that they shall never leave their vocation any tyme thereafter, under the paine of infamie and perjurie; [and that this be done and execute be Superintendents, and Commissioners appointed for planting of kirkes: And in like manner, That all Ministers already placed before the making of this statute, shall make the like protestatione, in their Synodall conventiones, before the Superintendents or Commissioners, who shall insert the said protestationes, from time to time, in their bookes, ad futuram rei memoriam. C.]

Anent the tryall of yong children, and how they are brought up be their parents in the true religion of Iesus Chryst: It is ordainit, that Ministers, and elders of kirks shall universallie, within this realme, take tryall and examine all yong children, within their parochin, that are come to nyne yeirs, and that for the first tyme; thereafter, quhen they are come to 12 yeirs, for the second tyme; the thrid tyme to be examined, quhen they are come to 14 yeirs; quherthrow it may be knowin that they have profited in the schoole of Chryst, fra tyme to tyme: [And that the names of them that shall be tryed, be written be the Ministers, and elders; and every one of them within their own parochies.

The penitents comparing to submit themselves to the discipline of the Kirk, were ordained to repair to their owne Ministers respective, who would shew to them the injunctiounes appointed be the Assembly, to be fulfilled for signes of repentance unto the next Assembly; and to compeer

in linnen cloathes, bare headed and bare footed, the second day of the next Assembly, to receive farther injunctiones; and every one of them to bring a testimoniall from their owne Minister, of their behaviour in the meane time.

Others compearing in linnen cloathes, bare headed and bare footed, with testimonialls from their Ministers, or testificatiōnes of their Ministers there present that they had fulfilled the injunctiones appointed to them, were remitted again to their own Ministers respective, to be received to the societie of the faithfull, according to the act of the Generall Assembly, made the second of March 1569, and second Sessione of the same Assembly.

Others summoned be the Superintendents, Commissioners, or Ministers, often times called, but not compearing; it was ordained, That the sentence of excommunicatione should be reiterat against them who were already excommunicate, and the cause declared wherefore it was so done; and that they proceed to excommunicatione against others, for their disobedience.

#### Seff. 3a.

Mr John Craig, John Row, and David Lindfay, Ministers, Mr Thomas Makcalgean, Advocate, David Forrest, Generall of the Congie house, Mr James Lawfone, Subprincipall of Aberdeen, were appointed for decision of questions.

It was statut and ordained, That as it pleased God of his mercy to erect the authority of the Kings Majesty, with publick consent of the Estates in Parliament, even so the samen ought, and should be universally obeyed throughout this realme, without acknowledging any other authority, whatsoever title be pretended.

Moreover, Ministers are commanded, in their publick sermons, to pray publickly for the preservation of His Majesties person and authority; with certification, that all such as shall be found negligent or disobedient, shall be punished as the Assembly shall think expedient.

And farther It was declared, That if any subject or subjects of this realme, of what estate soever they be, shall presumptuously take upon them to inhibit any Minister to obey this ordinance of the General Assembly, what cloke or colour soever he or they pretend; or by minacing make

impediment unto them, so that without fear Ministers may not serve God in their vocation; that, in that case, such troublers shall be summarily, upon the notoriety of the fact, excommunicate, and shall be holden rotten members, unworthy of the Society of Christs body.

And last, The Assembly commandeth all Superintendents, and Commissioners of Provinces, to cause this determination to be published in all the parochie kirks, that nane hereafter pretend ignorance.

Item, It was ordained, That this act and statute should be printed be Robert Likprivick, that no man pretend ignorance. C.]

It is ordainit, be reason of the great troubles laitlie risen in this realme, be defection of some fra the Kings Majesties laifull authority, That certain brethren be sent fra the Kirk, to all Erles, Lords, Barrones, and Gentill men quhatsoever, that hes made the forsaide defection, and travell with them be all meanes possible, to reconcile them to the lawfull obedience of His Majestie; and to certifie them that disobeyis, that the hail Kirk will use the sword against them, quibilk Gods word hes committit to them. Commissioners for that effect: Mr Andro Hay, [Commissioner of the West,] and Mr David Lindesay, [Minister of Leith,] to my Lord Dukes Grace, the Erles of Argyle, Eglintoun, Cassills, my Lord Boyd, and uther Baronis and Gentill men that they can goodlie meit with within the West partis: The Laird of Dunne, Superintendent of Angus and Mernes, to the Erle of Craufurd, the Lord Ogilvie, and their assisters. Quhilks Commissioners were commandit to report their answers to the next Generall Assemblie.

[Power was given to Mr Robert Pont, Commissioner of Murray, with the assistance of the Kirke of Elgine, to proceed, after due admonitiones, to excommunicatione against Patrick Bishop of Murray.

It is ordained, That all Superintendents and Commissioners to plant kirkes, with such as they shall choose in their Synodall conventiones, shall hear the compts of the Collectors of their owne provinces, at such day and place as shall please them to appoint to the saids Collectors; and report to the next Assembly, quhat diligence and fidelity they shall find in them: and that they shall have power to depose, and retaine the saids Collectors, as occasione shall serve, conforme to the act of the said Assembly made of before thereanent. C.]

Seff. 4<sup>a</sup>.

The contraverſie in St Androes betuixt Mr Robert Hamiltoun, Miniſter ther, and his Collegis on the ane part, and Mr James Carmichell, and his Collegis on the uther part, is treatit and diſcutt be the Aſſembly of the hail Kirk; becauſe the ſame concerns doctrine, ſlander that may riſe therein, or diſcipline of the Kirk.

[The brethren appointed for deciſione of queſtioned, reported their deciſiones, as followeth.

It was aſked, What is the jurifdictione of a Superintendent, and how far it is extended be Gods word. Answer: Remitt the answer to the Book of Diſcipline.

Q. If a Miniſter, Exhorter, or Reader, and any other man, be at debate for any injurie in word or deed, the actione being civil, Who ſhall be Judge in that matter. A. The actione of injurie belongeth to the Magiſtrates: The ſlander to the Kirk.

Q. If a Miniſter ſufficiently provided for his miniſtratione at any kirke, have other benefices wherof he receiveth the fruits, Whither the fruits he receiveth may be called thift, reafe, ſacriledge, or juſt poſſeſſione. A. Referr this to the modifiers of ſtipends, as they ſhall answer before God.

Q. Whither it is better that all Miniſters were equall in labours, to wit, theſe that labour in touns were equall, and without touns ſicklike equall; or according to diverſe qualities and gifts, ſome ſhall be preferred to others; and if this be thought good, Who ſhall be Judge; Whither the Superintendent only, or not. A. This is answered be the appointment of moderators of ſtipends.

Q. Whither, If a man having the properties requiſite in a miniſter, not having a certaine flock, ſhall be admitted to preach, and miniſter the Sacraments, in neceſſity, or in default of a miniſter, if it ſhall pleaſe him; ſo that he promiſe to continue in the ſaid vocatione: or ſhall none be admitted who hath not a particular flock. A. This article is obſcure.

Q. Whither it be papiſtry, when any man profeſt in ane abbay, ſhall be choſen miniſtrator, or œconomus, be ſuffrages of theſe that have been profeſt in ane abbay, which profeſſione is papiſtry, and be that election brooke the title. A. Howſoever the profeſſione was papiſtrie before, yet the miniſtratione of the temporal fruits is a part of the policie, and



no wife papistry. Mr John Rutherford protested, in so far as the answers to thir questions is not sufficient, that he may have remed at the nixt Asssembly, or otherwise, &c.

Q. A man having just occasion to suspect his wife of adultery, he comon brute and otherwise, giveth in a complaint to the Sessione of Edinburgh, craveth tryal; but afterward moved with foolish pitie, taketh up his complaint, and desireth the Sessione of the Kirke to be silent and keep secret: Thereafter, in the same mans house, when he is furth of the cuntry, ane adulterer is deprehended with his wife be the Magistrate, at ten hours at even: The husband returning compleaneth again to the Sessione of the Kirke, craveth the last slander to be tryed, which was tryed: Moreover, the husband accuseth the adulterer before the Justice; and he is convict, be ane assise, of adultery committed with his wife: and sicklike he calleth his wife before the Justice. Now, in the meane time, before the day of her compearance, it is bruted, and vehemently suspected, that the husband is already reconciled with his wife, or to be reconciled, before satisfactiōne be made to the Kirke; and so is already, or intendeth to be a patron to his wifes adultery, and therethrow to committ lenocinium. What order shall be taken with this husband reconciled with his wife, without satisfactiōne made be her; or, What order shall be taken with such men as clocke the adultery of their wives, notoriously and publickly known. C.] A. Cloakers of adulterie shold be callit, and convict: and if it be found, that they have cloakit publick adulterie, after their knowledge, then let the rule have place. *Consentientes et agentes pari poena puniantur.*

[Q. Whither the Communion may be ministred upon Pasch day, or not. A. Why not, where superstitione is removed.

Q. Whither a man deflouring a virgine shall be constrained to marrie her; or, if paying her tocher, according to the discretione of the Kirke, he may be free to marrie whom he pleaseth in the Lord. A. Let the Kirke suite the Magistrats to consent to this law. C.]

Q. When a woman beares a bairne to a certaine man, and in the tyme of her birth, before the midwyfe, alledgis the bairne to be this mans, and beand callit befor a Judge beand ready to sweare the same; and this man

is readie to sweare the contrair, and that he had never carnall deale with this woman; and ther is no uther witnes: Whither fall credence be givin to the mans aith, or to the womans; and fall the bairne be left without a father knowin. Anfuer: Neutri credendum.

[Q. What shall be answered to these who charge Ministers to desist from praying for the King, or revenge of the Regents murder. A. The Ministers shall pray for the Kings Majesty, according to ane act made befor in this Assembly; and also for revenge of the Regents murder.

Q. What way shall the Lords of the Session that have benefices, and their thrids free, be compelled to provide Ministers to their own kirks. A. Lett the compleaners give in their complaints to the Kirk, that the Lords may be called befor the Kirk, for order to be taken with them.

Q. If those that withhold the duty of the Kirk, wherethrough Ministers want their stipends, may be excommunicate. C.] A. All things beand done that the civill ordour requyres of them that withhaldis the duetie of the Kirk, quherby Ministers wants their stipends; the Kirk may proceed to excommunication, for their contempt.

[Q. What order shall be taken with such ministers as are provided to benefices by the reformed Kirk, and have manfes, but will not make residence. A. Let them be admonished to make residence, under the pain of deprivation.

Q. What order shall be taken with such popish priests as are excommunicat for ministration of the Sacraments, and felling of the same, yet will not abstain. A. Raife letters of caption upon them. C.]

Seff. 5<sup>a</sup>.

Compeirit Mr James M'Gill of Rankeillor-nether, Clerk of Register, and Counsellour to our Sovereine Lord, Lord Johnne Ballantyne of Auchnoulhill, Knight, Justice Clerk, Mr Archibald Dowglas, ane of the Lords of the Colledge of Justice, quho, in prefence of the haill Assemblie, proponit

in my Lord Chancellours name, how his Lordship had understand, that in the contraverſie among them in St Androes, there was conteinit ſome heids tending to treafon, and agains the Kings Majeſties authoritie : Therfor requyrit the Kirk preſentlie aſſemblit, to ſupereid all decifion in that matter, concerning the Kings Majeſtie, untill the tyme the Nobilitie conveyne, quhilk will be within ten dayis ; befor quhom that heid aucht to be ſichtit : notheles that the Kirk proceed to ſick things therin, as pertaines to their awin juridiſtioun. To the quhilk proteſtatioun the Kirk aggriet.

The ſaid day the haille Kirk preſentlie aſſemblit, in ane voyce and mynd, gives full commiſſion and power to the honorable, their loving brethren, Johne Erſkin of Dunne, Knyght, Superintendent of Angus and Mernes, Mrs Johne Wynrhame, and Johne Spotiſwood, Superintendents of Fyfe, and Lowthiane reſpective, Mr James M<sup>c</sup>Gill of Rankeillor-nether, Clerk of Register, and Counſellour to our Sovereine Lord, Mrs Johne Knox, and Johne Craig, David Lindeſay, of Edinburgh and Leith Miniſters, the Proveſt of Dundie, Mr Thomas M<sup>c</sup>Calgean, the Lairds of Balvaird, Spot, Braid, Carnall, Dreghorne, Lundie, Howſtoun, Drumquhafil, Coldon-knowis, Carden, Fawdonfyde, Thornetoun, Inchbrakie, David Forreſt, Generall of the Congie, David Ramſay of Dundie, Patrick Murray in St Johnſtoun, and Robert Campbell of Kingeancleuch, or any aucht, or ſevin of them, to compeir in Edinburgh, the xij day of this moneth of July, with continuation of dayes, ſa oft as the Nobilitie of this realme fall conveyne, betuixt this and the nixt Generall Aſſemblic : And ther, in name, and behalfe of the haille kirks in Scotland, propone and preſent to the ſaid Nobilitie, articles, heids, ſupplicatiouns, and complaints, ſuch as the ſaid Kirk hes already pennit and delyverit to their ſaids brether, or heirafter fall, before the nixt Generall Aſſemblic, delyver ; moſt humble in their names, To requyre anſuers, and grant to their articles, and ſupplicatiouns, and with redreſſes of their complaints, according to equitie and juſtice : To aſſiſt, concurre, and conſent to all and quhatſomevir fall be treatit in the ſaid Conventioun, tending to the ſetting forward of the glorie of God, preaching, and maintaining of true religioun, within this countrey, the Kings Majeſties authoritie, commoun weil, and authoritie of this realme : As alſo, To take cognition in all and quhatſomevir complaints, ſupplicatiouns, and requiſits of brether, ſpecially remittit to them be this Aſſemblic : And quhatſomevir beis done be them in the premiſſes, To

report the same to the next Generall Assemblie of the Kirk, to begin in Edinburgh, the first day of March next to come: firme and stable hald-and and for to hald all and quhatsoever the saids brether, or any aucht, or fevin of them, in the premisses leads to be done.

The Kirk presentlie assemblit, for certaine causes moving them, discharges all and fundrie assignatiouns, and pensions granted be the Kirk, during their will, to quhatsoever person or persons, befor the daitt heirof; and ordaines the collectour of the Kirk to intromett therwith heirafter; and to put inhibitions to all them that heirtofoir hes had any sick assignatiouns or pensions; except that quhilk is assignit to the Kings Majesties house allanerly: [And this to be intimat to the Lords, Senators of Session of Justice, requesting their Lordships, that no letters be granted be them, to any person having assignation, or pension of the thrids, contrar to the tenor of this Act.

Mr Robert Pont, Commissioner of Murrey, and Mr Andrew Hay, Commissioner of Cliddisdail, desired them to be disburthened of their commission; but were requested to continue till the next Assembly. C.]

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A. D. M.D.LXX.

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THE Generall Affembly begun and haldin at Edinburgh, the fyft day Marche 1570: In the quhilk were prefent the Barronis, Superintendents, Commiffioners to plant Kirks, Commiffioners of Provinces, Univerfities, Townes, Kirks, and Minifters. Mr George Hay was chofin Moderatour be fuffragis, to make prayers in this Affembly; and exhortatioun in the beginning of the nixt.

Self. 1<sup>a</sup>.

[Mr Knox prefented the Regents letter, wherein he craved the Affembly to be translated from Edinburgh to Stirling, or Glaſgow. The Affembly was willing; but defired his Grace to hold them excuſed, becauſe the Barons, Gentlemen, and Commiffioners, ſome of them wanted horſe, ſome of them had other impediments; The perſons ſummoned were warn- ed to compear at this place.

Some were appointed to reviſe the Commiffioners diligence in executing their commiſſion. C.]

The Kirk aſſemblit ordaines all Superintendents and Commiſſionars to plant kirks, to preſent heirafter their bookes of their viſitatiouns, every ane within their province reſpectiue, to every Affembly heirafter following, to be ſichtit and conſiderit be ſick brether as ſhall be appointed therto, fra Affembly to Affembly; to the effect the Kirk may underſtand their diligence in executing their offices within their provinces.

The Kirk finds fault, that Mr Johne Rutherford, miniſter at Cultis, hes not done diligence in ſerving the ſaid cure, at leaſt certaine tymes in the

geir: admonishing him therfor to amend the said fault, in tymes coming, utherwayes the Kirk will proceed against him, as a neglecter of his dutie.

[Anent the Jurisdiction Ecclesiastical, and what ought to pertain thereto, and to be suited for at my Lord Regents Graces hand: The Assembly appointed the Superintendents of Angus and Fife, Mr Knox, Mr Robert Pont, Mr Johne Row, to convene every day at seven hours, and pen and putt in order the heads and points in all forts, pertaining to the Ecclesiasticall Jurisdiction; and thereafter to present the said heads again to the Assembly, to be sighted and considered be them, to be sent be them thereafter to the Lord Regents Grace, with the instructions to be given to the Commissioners that are to be sent to his Grace.

Sessio 2<sup>a</sup>.

Captain James Cunninghame, servitour to my Lord Regents Grace, presented a letter to the brethren: The tenor whereof followeth.

After our most hearty commendations; whereas we have some matters to be consulted upon before you, both concerning the estate and affairs of the Church; as also the Kings Majesty, and common wealth of this country; and because we may not as yet depart from these parts, while we have putt order to such confusion of things as occur, as also fundry other impediments moving us, we desire you most effectually, that ye would appoint your nixt Assembly to be here at Glasgow, and that with all goodly diligence that ye may; at the least, that a part of you may be sent hither, sufficiently authorized with commission from the whole number, to treat with us anent such things as shall be both for the Kirks, Kings estate, and common weale of the country; wherein ye shall doe us most speciall pleasure. Referring all other things to your coming, committeth you, in the mean time, to the protection of God. From Glasgow, the 3 of March 1570.

The Assembly gave commission to some brethren to goe to the Regent and treat with him: The tenor of the Commission followeth. Edinburgh, 6 March.

The brethren presently assembled, in one voyce and mind, give their full commission and power to the honourable, and their loving brethren,

Johne Arefkine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winram, Superintendent of Fife, Mr John Spotswood, Superintendent of Lothian, Mr George Hay, Commissioner of Aberdeen, Mr Andrew Hay, Commissioner of Cliddisdail, Mr David Lindsay, Commissioner of Kyle, Carriët and Cunninghame, Mr John Row, Commissioner of Galloway, John Duncanson, Minister of the Kings Majesties household, Mr William Lundie of that ilk, James Johnston of Elphinston, Alexander Foster of Carden, John Lockart of Bar, Hugh Wallace of Carnall, Mr John Fullerton of Dreghorn, Mr John Preston, one of the Commissioners for the town of Edinburgh; or any ten of them, To compare before my Lord Regents Grace and Counsell in Stirling, the last day of this instant month, or any other place, where my Lord Regents Grace shall appoint, due advertisement preceeding; and there, in the Kirks name, most humbly propone, shew and declare articles, heads, supplications and complaints, delivered to them be the Kirk, most humbly requesting for answer thereunto; conferr, reason and conclude with his Grace and Counsell, upon such heads and articles, as shall be proponned to them be his Grace and Counsell forsaide, according to the Assemblies instructions given to their said brethren; assist, concurr and consent to all and whatsoever other things that shall be treated, tending to the glory of God, setting forward the preaching and maintaining of his true religion within this countrey, the Kings Majesty, and common wealth of this realme: And whatsoever happeneth to be done be them in the premises, to report the same to the next Generall Assembly of the Kirk, to beginn in Stirling, the 6 day of August next to come: stable and firm holding, and for to hold all and whatsoever the saids brethren, or any ten of them, in the premises conclude to be done. Given in the Generall Assembly of the Kirk, and second session thereof. Subscribed be the Clerk of the same, day, year and place foresaid. C.]



Articles pertaining to the Jurisdiction of the Kirk, to be proponit to the Regents Grace and Secreit Counsell, and focht to be appointit be them.

1. First, That the Kirk have the judgement of true and false religioun, or doctrine, heresies, and sicklyk, annexit to the preaching of the word and ministratioun of the sacraments.

2. Election, examination and admision of them that are admittit to the ministrie, or uther functions in the Kirk, charge of fauls, and ecclesiasticall benefices, the suspension and deprivation of them therefra for lawfull causes.

3. All things concerning the discipline of the Kirk quhilk stands in correction of manners, admonitions, excommunications, and receiving to repentance.

4. The judgement of ecclesiasticall matters betuixt persons that are of the Kirk, and specially among them that are constitute in the ministrie, asweill concerning beneficiall causes as uthers.

5. Jurisdiction to proceed be admonitions to the proces of excommunication, if neid beis, against them that robis the patrimonie of the Kirk pertaining to the ministrie, or utherwayes intrometts therwith unjustlie, quherby the ministrie is in danger to decay be occasion of the povertie of the ministrie.

6. And, Because the conjunction of marriages pertaines to the ministrie, the causes of adherents and divorcements aught also to pertaine to them, as naturallie annexit therto.

[The injunctions given to their brethren the Commissioners, sent to my Lord Regents Grace and Counsell, to be proponed, concluded and reasoned upon.

In the first, that his Grace and Counsell grant and consent, That no disposition of any benefice or presentation be made of any person, without the admission and collation of the Kirk, following upon just presentations; and if any disposition of benefices be made to any person or persons, that the same be discharged and brought back again, to the end that such have no place in times coming.

Item, That some order be taken with some horners, and persons disobedient, that payment may be had of them that disobey.

Item, That his Grace and Counsell approve the jurisdiction of the Kirk, conform to the particular information given thereupon.

Item, That such horrible crimes be punished, as provock Gods wrath against the realme, such as idolatry, incest, adultery and other like heinous crimes; and Commissioners of Justice be appointed in every province for that effect.

And in like manner, That ye agree, conferr and conclude with his Grace and Counsell, touching the pension concerning the Kings Majesties house; and also concerning my Lord Regents Graces house, anent the pension to be appointed thereto.

And, finally, To reason, conferr and conclude with his Grace and Counsell foresaid, concerning the appointment made betwixt the Kirk and my Lord Regents Grace, now resting with God, as shall be thought expedient, and agreeable to Gods glory, to the comfort and utilitie of the Kirk, the preservation of this common wealth, and due obedience to the Kings Majesty our Sovereign.

In the first, That his Grace would be content to take horners for payment.

Secondly, That he be paid, *secundum ratam*, according to the payment of ministers.

Thirdly, That he will discharge, in this respect, the superplus, if any were, to be employed in pious uses.

Item, To give answer to my Lord Regents Grace to Makquhyn and

his companions ; and als for prefervation and upholding of the Kirk of Glasgow, and upholding the leid thereof.

Item, To remember Mr Robert Hammlton, minifter of Sanct Andrews, for payment of his flipend. C.]

Adulterers, inceftuous perfons, and homicides, [and other hainous offenders, requesting to be received to publick repentance,] were ordainit to repaire to their awin Minifters ; there to receive their injunctiōns, quhill the nixt convention Synodall of the Superintendents and Commiffionars of their awin provinces refpectivē ; and there to prefent themselves in linnen cloathes, bareheidit and barefootit, humblie requieftand the Kirk there affemblit, to receive them to the focietie of the faithfull, with farther injunctiōns ; and to bring their teftimonials from the minifters, of their behaviour in the meane tyme. [Others compearing in linnen cloathes, and fubmitting themselves to farther injunctiōns, the Affembly ordaineth them to be received in their own kirks, conform to the aēts made thereanent. C.]

### Selfio 3<sup>a</sup>.

Forfameikle as it hes bein ordainit be the Generall Affemblies, That all adulterers, murtherers, inceftuous perfons, and uthers committers of haynous crymes, firft fould prefent themselves to the Generall Affembly, there to receive their firft injunctiōns ; and at the nixt therafter following to prefent themselves in linnen cloathes, &c. : And forfameikle as diverfe of the faids offenders partlie are farre diftant fra the places of Generall Affemblies ; uthers, for povertie, and deadly feids, may not, and darre not travell through the countrey to prefent themselves before the faids Affemblies, &c. : For thir caufes, and uthers confiderations moveing the Kirk prefentlie affemblit, they statute and ordaines, That all fick offenders fall be callit heirafter be the Superintendents and Commiffioners of provinces, to compeir befor them in their Synodall conventiōns, to be haldin be them twyfe in the geir ; there to be receivit, and take their injunctiōns, conforme to the ordour ufit befor be the Generall Affemblies, in all forts.

[The Diocie of Cathnefs craveth a fuperintendent, or commiffioner to plant kirks, or vifite kirks already planted. The Affembly not finding a man fitt, for the prefent, for fuch a charge, in that countrey, requested

John Gray of Fordell, who had taken great pains and travells before in the oversight of the said countrey, to continue in his supporting of the said diocie, with the assistance of the Bishop thereof, head Commillioner of the same, till the next Generall Assembly.

The Assembly ordained the Superintendent of Angus and Mernes to visite Dunkell, plant ministers there, expell idolatry, visite schools and colledges, as he useth to doe in his own bounds; and exercise and use all other things pertaining to the office of a Superintendent.

Mr John Row, Commillioner of Nithisdail and Galloway, Mr David Lindsay, Commillioner of Kyle, Carict and Cuninghame, Mr Andrew Hay, Commillioner of Cliddisdail, Ranfrew and Lennox, were continued in their commissions respectivé, till the next Assembly.

Mr George Hay, Commillioner of Aberdeen, required to be disburthened of his office, in respect there was no obedience in these parts, and Ministers were not answered; yet the Assembly requested him to continue till the next Assembly.

The Assembly directed this letter following to the Commendator of Halyrudhouse.

The Superintendents of Kirks, and Ministers of the reformed Kirk within Scotland, assembled in Edinburgh, the 5 day of March 1571, to the right worshipfull and their loving brother, Lord Robert Steuart, Commendator of Halyrudhouse, with grace, mercy, and peace from God the Father, through our Lord Jesus Christ, with continuall guiding of his Holy Spirit, for salutation.

Forasmeikle, beloved in the Lord Jesus, as we wrote to your Lordship, the 25 day of March 1568, to assist our brethren Commillioners to plant kirks in Orknay and Zetland; as also to further our collector of the thrids in these bounds for the sustentation of the Ministry, as your Lordship would declare yourself a fetter forward of the kingdome of Jesus Christ, and have us to call to God for your prosperity, &c. And because we have received advertisement from Mr James Annand and Gilbert Foulzie, our Commillioners in these bounds, of your Lordships continuall assistance to them in executing of their office, as also of your Lordships support to our said collector; for the which we are not able to render thanks sufficiently;

God shall recompence to your Lordship comfort : This present is most humbly to requiest your Lordship, That as ye have begunn to declare yourself a patron of the Kirk in these bounds, even so your Lordship would continue to the end : and assure your self, if men should happen to be unthankfull, as God forbid, yet should the eternall God, who leaveth not a cup of water given to one of his, for his sake, unrecompensed, blefs your Lordship and your posterity. Yet farther, we most requiest your Lordship, when our said brethren Commissioners shall signify to you such as are manifest adulterers, incestuous persons, murtherers, or others committers of hainous crimes, which provock the wrath of God to be poured out in this realme, that your Lordship would punish the saids faults, according to Gods laws, and acts of Parliament ; that wickedness may be taken away : In doing whereof your Lordships remembrance and memory shall be immortall, and posterity to come shall praise God in your doings. What your Lordship shall doe in the premisses, we look to be advertised be your Lordship, or our saids brethren Commissioners, at the nixt Assembly to beginn at Stirling the 6 day of August ; where we look for one of them with full advertisement : And thus we committ your Lordship to the protection of the Omnipotent. Given in the Generall Assembly, and thrid session thereof, the 6 day of March 1570. Subscribed be the clerk of the same, at our command.

The Assembly ordained Mr John Knox, John Row, Robert Hammiton, John Craig, William Christefone, Robert Pont, and James Lowson, of Edinburgh, Perth, Sanct Andrews, Dundie, Murray, and Aberdeen, Ministers respectivé, to meet upon the decision of questions, the morne at 8 hours ; and to report their decisions, betwixt and the end of the Assembly, to be infert and registrat.

And because the Assembly is yearly troubled with solutions of questions, of which some are unprofitable, others may be easily resolved be Superintendents and Commissioners to plant kirks, with the assistance of their Ministers, in their Synodall conventions to be holden twice every year, &c. Herefore C.] The hail Kirk assemblit ordaines, That all questions heirafter be proponit and presentit to the Superintendents and Commissioners forsaids, in the said Synodall conventions, there to reseaff their solutiouns : And if any question happins to be hard for them that fall happin to be at the said conventions, then, and in that case, that the Superintendents and Commissioners of kirks present the said hard questions

to the Generall Affemblies, there to receive their solutioun in their rowme, according to the rule : With certification, that no queſtions heir-after fall be receivit in Generall Affemblies from particular Miniſters. [The ſame order to be obſerved anent complaints in all forts, &c.]

Sefſio 4<sup>a</sup>.

Forſinikle as trouble and ſlander hath riſen for ſolemnizing of marriages in private houſes, and that be miniſters to whoſe paroch or kirk the contraveeners pertained not, wherethrough there hath been controverſy in particular kirks and ſeſſions, for ſatiſfaction making for tranſgreſſion of the publick order of the Kirk, &c. ; for eſchewing of the which, C.] The Kirk aſſemblit ſtatutes and ordaines, That all marriages be made ſolemnlie in the face of the congregatioun, according to the ordour publicklie eſtabliſchit ; and als inhibites all Miniſters and Exhorters, that nane of them ſolemnize marriages of any perſons of uther congregatiouns nor their awin, without ſufficient testimonials from their Miniſters, or els licence aſkit and givin be the contracters, under the pains eſtabliſchit before agains the Miniſters ; and the contracters, with their parents, to make publick repentance at the commoun pillar of repentance, at the diſcretioun of their awin kirks.

[Mr Archibald Douglas, one of the Senators of the Colledge of Juſtice, having a preſentation, under the Privy Seal, of the perſonage of Glaſgow granted and givin be the Regent of good memory ; wherein he required the Aſſembly to give their letters testimonials, conform to his ſaid preſentation : The Aſſembly remitted him to Mr Andrew Hay, Commiſſioner of Cliddifdail, to receive his anſwer. The Commiſſioner refuſed to give letters testimonials ; becauſe the preſentation was not made according to the order agreed on betwixt my Lord Regents Grace of good memory, and the Aſſembly. Mr Archibald proteſted, that he might hear a reaſonable cauſe, why they refuſed. The Aſſembly alledged the reaſon before mentioned ; not the leſs they offered to cauſe their ſolicitor to deliver to him a form of preſentation, ſuch as the Kirk hath uſed to give their testimonials upon. From their refuſal Mr Archibald appealed, *verbo tantum*, to the Parliament, the Kings Maſteſty, and his Counſell, *omni meliore modo*.

Seff. 5<sup>a</sup>.

The said Mr Archibald appealed of new to the Parliament, the Kings Majesty and Counsell, omni meliore modo, &c. ; moreover required the Assembly to adhere to his appellation. The Assembly desired him to putt his appellation in due form, and deliver the same to them to advise with, and thereafter they should give their answer : whereupon the said Mr Archibald asked instruments.

The Assembly brotherly required Mr Patrick Adamson to enter again in the ministry, in respect of the good gifts that God had given him, and scarceness of ministers in diverse countries. He answered, That he would advise with himself and brethren that love him, till the next Assembly ; and promised then to answer, whither he would then enter in the ministry, or withdraw himself allutterly.

Compeared Mr Archibald Douglas, protested, that the answer given be the Assembly, that the presentation produced be him to the Commiſſioner of Glasgow, and thereafter to the Generall Assembly, together with the answer of refusal, alledging the same to be no lawfull presentation, it being founded upon the Kings privilege, such laws and constitutions as have been used in this realme, at all times heretofore, together with the refusal of the said Kirk to adhere to his just appellation, as he alledged, interponed be him to the most honourable Parliament, Kings Majesty, his Regent, Secret Counsell, Lords of Session, or any of them that shall be found competent Judges herein, may serve him for a sufficient and lawfull testimonial upon his provision to the end of the plea, to be as sufficient as if the Commiſſioner or Superintendent had given the same ; and desired his protestation to be admitted, &c. : whereupon he asked a note. C.]

Seff. 6<sup>a</sup>.

The Kirk assemblit ordaines all ministers to inhibit all civil magistrates to hold their courts within kirks, and, if neid beis, to admonish.

The Kirk ordaines all Superintendents and Commiſſioners to plant kirks in their first Synodall convention heirafter following, with the advyse of their ministers ; to reason [upon the necessity of publick faits,]



and appoint publick fasting, if it fall be thocht necessar; and als that they appoint certaine brethren to travel for vnitie and concord among the nobilitie of this realme.

Compeirit in Affemblie Mr Robert Wynrham, collector of Fyffe, and shew how he was purgit be ane condigne affyse befor the civill magistrate, for the slaughter of Henrie Kairnes, citizen in St Androes: Not theles because the blood was shed against his will, always he willinglie offerit to the Kirk to vnderly quhatsoever vther thing they wold lay to his charge for satisfactioun of the Kirk. The Kirk ordaines Mr Robert Hamiltoun, minister of St Androes, to declare after his sermon vpon a Sunday, the purgation of the said Mr Robert of the slaughter; and therfor call vpon him to repaire befor the pulpitt, exhorting him to enter in consideratioun with himself, according as is containit in the Booke of Excommunication; and thereafter to humble himselfe, aske God, the congregatioun, and partie pardon, and all vthers that were slanderit with the fault.

Anent excommunicat persons for non-adhering to the establischt religion, and not joynit therto of befor, get not theles presentlie of their awin frie will submitts themselves, and requyres to be receivit to the societie of the faithfull: The Kirk ordaines the saids persons to be receivit be their miniller, in low and humble habite, with sackcloth, observing the ordour preferivit in the Booke of Excommunication, in all ther points.

[Mr Robert Lumfden of Clowayeth craved a defalcation of the thrids of the vicarages of Logie-Buchan and Cuthny, in respect of inlaiking of corpus presents, upmost cloaths, and pasch fynes, &c., which was granted; and ten merks yearly defalked of the thrids of the vicarage of Logie-Buchan; and 20 merks of the thrids of the vicarage of Cuthny.

The brethren appointed for decilion of questions, produced their solutions, as followeth:—

Q. Whither the Superintendents may or ought to take up the particular dilations, in their chief and metropolitan kirks, where good order is, and execution of discipline; and the weekly assembly be the ministers, elders and deacons thereof, observed for the same cause. A. Lett the Superintendents and the Kirk agree therupon; not stopping the discipline any way.

Q. And if he may take up the faids dilations, Whither he may doe it, without the advice of minifters and elders who ought to be his counfellers, be himfelf and his own fcribe. A. Thinks it were good, that he had fome of the elders with him, for avoiding all corruption and partiality.

Q. If it be not more expedient that the Superintendent, or Superintendents themfelves be executioners of excommunication, nor to committ the fame to the minifters; and that chiefly in landwart. C.] A. Quiber minifters are not in praftife of excommunication or will be contemnit in their executioun, it is neceffar that the Superintendent or fome uther fufficientlie qualified and authorized, ufe the fame.

[Q. Quibither if a Superintendent may abfolutely depofe and admitt minifters, without advice and confent of the chiefeft minifters, and of his feat in fpeciall. A. We referr this to the ordinance made of before.

Q. If any perfon or perfons being in a reformed paroich or city, where order and difcipline is obferved, may be compelled to anfwer before their fuperintendent, in prima instantia, or yet before the Generall Affembly, the matter not being tryed, neither before their own particular Affembly, their immediat judge, nor before the fuperintendent. A. Appoints and ordains the order of the Book of Difcipline to be obferved herein, quibereunto the fuperintendents are fubject. C.]

Q. If it be leifum to the minifter to proceed againft the magiftrates quho will not put to execution the Afts of Parliament concerning difcipline, and uther particular Afts univerfallie aggreit on be their awin particular congregatioun, with the fentence of excommunication. A. This is els concludit; admonitions paffing duellie before againft them.

[Q. What punifhment fhall be inflicted on minifters that will not execute the Superintendents letters. A. This queftion cannot be anfwered, be reafon of the generality thereof: But lett the Superintendent more fpecially take order herein, as he will anfwer to the Generall Affembly.

Q. Is it not expedient and neceffar, that an uniform order be obferved in all kirks, in making promifes of marriages, quibither they fhall be made,

per verba de futuro, vel verba de præfenti ; or should no promise be made till the solemnization. C.] A. Promise of marriage, per verba de futuro, shall be made, according to the ordour of the reformed Kirk, to the minister, exhorter or reidar ; takeand caution for abstinence till the marriage be solemnizit.

If a man ravish a woman against her will, and her parents will, and strike her parents under silence of night, and the magistrates will put no correction therto : Quhither if the Kirk should proceed with monitions and excommunication, to satisfie the slander. It is lawfull.

[Q. What punishment shall be inflicted on such ministers as refuse to be inaugurat in the ministry. A. If they will not be received according to the order takin by the Kirk, lett them not be admitted. C.]

Quhat ordour shall be takin with her who committing fornication with a man, dois suffer the same man heirafter to marrie her awin sister ; and beiring the bands proclamit wald not reveile the impediment, but be conceilling of the cryme, was guiltie of the incest following. Both he and she to be punished according to the discipline of the Kirk, bot cheiflie the man ; and the second cannot be his wyfe.

Quhat ordour shall be takin with them that impugnes proclamation of bands, and cheiflie be infamie, and proves not. Let sick persons be punished, according to the discipline of the Kirk, as infamers.

It is altogether unlawfull be any minister of Gods word, to receive any benefice be the presentation of a laik person, under paction and condition made with the patron therof, tending to symonie, viz. that the patron have the great part of the teyndis, and the minister the small part therof.

[When the minister cometh to the Generall Assemblies, with commission of his kirk, or for other needfull affairs, or chanceth to fall in sickness : Quhither if the Superintendent shall provide for some other to occupy his place, chiefly within burrowes and towns. A. Ordains the superintendent to take order that the kirk be not destitute. C.]

Quhat ordour shall the superintendent take with a man that hes suted

libertie to marrie thir thrie or foure zeirs, being befor be his awin particular kirk inhibite to marrie, becaufe he deflored a virgine beand his awin fervant, unles he wald take her to his wyfe ; feing the judicial law is not get receivit, and the man hes hir difcharge of marriage, under the forme of instrument, before the decreit was pronuncit againft him be his awin particular kirk. All things beand true, according to the narrative, it is thought the decreit givin for fiek a caufe may be reduceit be the superintendent, and the man may obtaine libertie to marrie ; gea, and there is injurie done to him alreadie.

[Q. Anent the question proponed before the particular Kirk of Edinburgh be the brethren thereof, touching fuch perfons as have fometime been known and admitted to the generall Kirk as publick minifters, and of long time have made open defection, to the great slander of the Kirk : Quhat order will the Generall Affembly take thereanent. A. Such perfons fhall be admonifhed be the particular kirk, and if they refufe to hear admonitions, fhall be debarred from the facraments till they fatisfy the Kirk.

Q. A man excommunicat for adultery, and afterward abfolved, thereafter marieth the woman whom before he had polluted with adultery : Quidhith is this lawfull marriage or not. A. Unlawfull.

Q. If a laick patron prefent a man that can only read, and not preach, Shall he be admitted to the perfonage. A. Such perfons ought to be teachers, otherwife not to be admitted.

Q. If the Kirk, jure devoluto, may give a benefice which is difponed be a laick patron to ane unqualified perfon ; and if the superintendent or commiffioner to plant kirks, may doe the fame without the Generall Affembly. A. Referrs it to the Act of Parliament. C.]

A. D. M.D.LXXI.

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THE Generall Affemblie begun and haldin at Stirling, the vj day of August 1571 : In the quhilk were present the Superintendents, Commiſſioners to plant Kirks, Barrons, Miniſters, Commiſſioners of Provinces, Townes, Univerſities, and Kirks. Mr Gilbert Garden Miniſter at Fordyce was choſen Moderator.

Seſſ. 1<sup>a</sup>.

[Mr James Lawſon, Subprincipall of Aberdeen, David Wemes, John Dykes, James Melvill, Patrick Balfour, Archibald Keith, Miniſter at Peterhead, were appointed to try the Commiſſioners books of their viſitations ſince the laſt Affembly ; and, after triall, to report quhat they find, before the Affembly be diſſolved.

The Affembly exhorted earneſtly all and ſundry the Superintendents and Commiſſioners to plant Kirks, to be circumspect and warie in giving their letters teſtimonials to any perſons preſented to benefices, except to ſuch allenerly as they perfectly ſhould know, due examination preceeding, to be able to inſtruct and teach ſincerely in the Kirk of God, as they would answer, firſt to God, and thereafter to his kirk.

Seſſ. 2<sup>a</sup>.

Mr Patrick Adamſon ſent a letter to the Affembly, containing his answer anent his reentry to the miniſtry. The Affembly ordained the Commiſſ-

fioners appointed to fpeak to the Lord Regents Grace, before or at the nixt Parliament, to take order with the contents of his letter, and to report what they fhall happen to doe therein to the nixt Affembly.

The fame day, Mr Knox his letter fent to the Affembly was read : The tenor whereof followeth. C.]

The mightie Spirit of comfort, wifdome, and concord [in God] remaine ever with you.

Deare Brethren,—If abilitie of bodie wald have fuffered, I fould not have troublit you with this my rud dytement. I have not forgot quhat was laid to my charge be famous lybells the laft Affembly, and quhat a brag the adverfaries made perfonallie to accufe me at this Affembly, quihilk I pray you patiently to heare, and judge of me as ge will anfuer to God ; for vnto you vnto that heid fubmitt I my felfe, being affurit that I neither offendit God, nor get good men, in any thing that hitherto hes bein laid to my charge. And now, brethren, becaufe the [dayly] decay of naturall ftrenth threatens unto me certaine and fudden departure fra the miferies of this lyfe ; of love and confcience I exhort you, gea, in the feare of God, I charge and command you, that ge take heid to your felvis and the flock over the quihilk God has placit you paffours. To difcourfe of the behaviour of your felves, I may not ; but to command you to be faithful to the flock, I dare not ceafe. Unfaithfull and traitours to the flock fall ge be before the Lord Jefus, if that, with your consent, directlie or indirectlie, ge fuffer unworthie men to be thruft in into the miniftrie of the Kirk, under quhat pretence that ever it be. Remember the Judge befor quhom ge muft make account, and refift that tyrannie as ge wald avoyd hells fyre. This battell, I grant, will be hard ; bot in the fecond it will be harder ; that is, that, with the lyke uprightnes and ftrenth in God, ge gainftand the mercileffe devourers of the patrimonie of the Kirk. If men will fpoyle them, let them doe it to their awin perrill and condemnatioun ; but communicat not ge with their fins, of quhat eftate foever they be, neither be consent nor get be filence : But be publick proteftation make this knowin unto the world, that ge are innocent of fick robberie, quihilk will, or it be long, provocke Gods vengeance on the committers therof, quhereof ge will feik redrefle of God and man. God give you wifdome and flout courage in fo juft a caufe, and me a happie end. Of St Androes, 3 Auguft 1571.

Your brother in Chrift Jefus,

JOHNE KNOX.



[This letter was read, considered with mature deliberation and allowed in all points; with firm purpose to proceed and doe according to the godly counsell contained therein, &c. touching the affairs of the whole Kirk. And, as concerning his own part contained in the said letter, the Assembly ordained all persons to be warned at the Tolbooth door, that had or pretended to have any thing to lay to the charge of the Superintendents or Ministers, either presently convened or absent from the Assembly, to compare before the dissolving of the same and accuse, if they had any just matter; but chiefly these that gave infamous lybells at the last Assembly holden in Edinburgh, in the moneth of March last by past; promising to hear their accusations, to try the same and to minister justice therein, in so far as in them lyeth, according to Gods word.

The Assembly ordained all collectors to give up the names of all persons who intromett with the thrids of the kirks, and make no payment thereof, with the executione of the letters of horning against them. C.]

### Self. 3<sup>a</sup>

The hail Assemblie concludit, that certaine brethren, Commissioners, fall passe to my Lord Regents Grace, Counsell, and Parliament, to reason and conclude upon the heids, articles and desyris presentit in his Graces name to this Assemblie; to propone, humble request and desyre, in the Kirks name, the granting of sick heids, articles and redresses of complaints as fall be given to them be the Kirk, the ane and the vther always to be concludit on, conforme to the instructions to be delyverit to them. Commissioners, Johne Erskine of Dun, knyght, Superintendent of Angus and Mernis, Mr Johne Spotiswood, Superintendent of Lothiane, John Wynrhame, Superintendent of Fyfe, John Row, Commissioner of Nithisdale and Galloway, Andro Hay, Commissioner of Ranfrew and Leunox, George Hay, Commissioner of Aberdeine and Banse, David Lindefay, Commissioner of Kyle, Carrick and Cuninghame, David Fergusone, of Dumfermling, John Dunkefone, of the Kings Majesties housse, ministers, Johne Ogilvie of Innerquharatie, Knyght, Mr William Lundie of that ilk, James Jonstoun of Elpheistounne, William Cunighame of Cunighameheid, Hew Wallace of Carnvall, Thomas Kennedy of Bargany, John Schaw of Grinock, Alexander Forrester of Carden, or any



eleven of them, to compear at Stirling the 22 day of this instant at nyne houres before noone, to counfell and reason, as in the commiſſion given in the laſt Aſſembly.

Sefſio 4<sup>a</sup>.

[It was ordained, That the act made of before for prayer to be made for the Kings Maſteſty, ſhall be execute in all points, with excommunication againſt the diſobedients, conforme to the tenor of the ſamen.

Commiſſion of collectorie was given to the Laird of Allowan, within Aberdeen and Bamff.

The Aſſembly conſidering the great troubles and oppreſſing of the Kirk of God and miniſters thereof, in the north parts of this realme, be the Earle of Huntly, his ſervants and complices, and how that Mr Thomas Garden, now preſent collector within the Shireffdome of Aberdeen and Bamff, is not able, be reaſon of the ſaid oppreſſion, to gait any payment to the miniſters which have been long poſtponed and fruſtrate of their ſtipends; in reſpect alſo of diverſe and profitable offers made by John Calder of Allowan: therefore the Aſſembly hath thought expedient and concluded to remove the ſaid Mr Thomas Garden, and be theſe preſents removeth and diſchargeth him from the office of collectorie, within the ſaids bounds, not in reſpect of any offence committed be him in the ſaid office, but in conſideration of his preſent inability to diſcharge the ſame: And of new hath elected, nominate and conſtitute, made and ordained, and be the tenor hereof electeth, conſtituteth, maketh and ordaineth the ſaid John Calder of Allowan, their Collector within the bounds of the ſaids Sheriffdomes of Aberdeen and Bamff; giving, granting and committing to him full power, authority, ſpeciall command and charge, to aſk, crave and receive, and in name of the Kirk to intromett and uptake all and fundry the thrids of whatſomever benefices lying within the ſaids bounds; together with the whole fruits of common kirks, and all other common rents, whole fruits and rents of friers lands, places and livings, whole ſuperplus omitted, and benefices or chaplanries not given up in rental being within the bounds above ſpecified, which are be Parliameut given and aſſigned to the Miniſtry of the Kirk, of the crope and year of God 1570 years laſt by paſt and of this preſent year and crope: and ſicklike yearly and ternly,

in time coming, whill he be lawfully discharged ; and sikklike the rest of all the thrids and other rents pertaining to the collectorie, within the laids bounds, of all years bygone, resting adebted and unpaid ; acquittances and discharges thereupon to make, give and subscribe ; and, generally, all and fundry other things to doe, exercise and use, that to the office of collectorie in such causes of law or consuetude is knowen to pertain : firm and stable holding, and for to hold all and whatsoever thing the said collector in the premisses lawfully leads to be done ; providing alwise that he use the said office of collectorie and beheave himself therein, according to the injunctions given to him thereupon ; and make compt, reckoning and payment of his intromission after the form and tenor thereof, and according to the act made upon his offers, the time of his acceptation of the said office. Given, &c.

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A. D. M.D.LXXI.

THE Convention of the Kirk haldin in the Kirk of Leith, 12 January 1571 : In the quhilk were present the Superintendents, Barrons, Commiſſioners to plant kirks, Commiſſioners of Provinces, Townes, Kirks, and Miniſters. Mr Gilbert Gairdin continuit Moderator.

[Upon the 12 of January there was a Convention of Superintendents, Commiſſioners, Miniſters, Commiſſioners from Towns and Kirks, in Leith, whoſe names doe follow, Johne Arefkine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Spotfwood, Superintendent of Lothian, Mr John Winrame, Superintendent of Fife and Stratherne, Mr David Lindfay, Commiſſioner of Kyle, Cariſt and Cunninghame, Mr Robert Pont, Commiſſioner of Murrey, Mr Andrew Hay, Commiſſioner of Clid-difdaill, Ranfrew, Lennox ; Commiſſioners of Provinces, Towns and Kirks, Robert Grahame of Montroſe, Mr James Halyburton, William Chriſteſon for Dundie, Mr John Preſton, Adam Fullerton of Edinburgh, John Anſtruther of that ilk, John Beton of Balfour, Patrick Kinnimouth for Fife, Mr William Lundie of that ilk, Thomas Scot of Abbotſhall, Mr John Young for Irving, James Dalrymple for Air, James Cockburne and John Gray for Haddinton, William Lawder of Hawtoun, Knight, Robert Fairley of Braid, James Rig of Carbarrie, James Johnſtoun of Elphinfion for Lothian, Andrew Ker of Fadownſide for Teviotdaill, Walter Cant and Mr William Balfour for the Kirk of Leith, Mr James Wilky for the Univerſity of Saint Andrews ; Barons, Thomas Kennedie of Barganie, John

Lockart of Barr, Hugh Wallace of Carnall, Hugh Montgomerie of Heflilhead, John Neillson of Craigaffie; Ministers, Mr David Lindfay for Leith, John Duncanson for his Majesties house, Mr Andrew Simpson of Dunbar, John Brand of Halyrudhouse, Mr James Carmichael of Hadinton, Alexander Forrester of Tranent, William Sanderfon of Whittingham, William Harlaw of St Cuthbert, Alexander Blackhall of Cranston, John Burn of Mussilburgh, John Durie of Restalrig, John Clapperton of (Caldstreme?), Mr Thomas Cranston of Peebles, Mr Peter Primrose of Machlin, Mr John Inglis of Ochiltrie, Mr David Wemes of Glasgow, George Scot of Kirkaldie, Mr William Edmiston of Cargill, Robert Grahame of Abertill, Mr John Rutherford of (Quilt?), Mr William Clerk of Anstruther, David Ferguson of Dumfermling, Peter Blackwood of (Salling?), John Dykes of Culrose, Mr James Pantoun of , Mr Robert Montgomerie of Dumbane, Mr George Lesly of Kilconquhar, Mr James Melvill of Menmure, James Anderson of Kettins. C.]

### Sessio 2<sup>a</sup>.

The brethren presentlie convenit all in ane voyce concludit, That this present Conventioun shall have the strength, force and effect of ane Generall Assemblie; and that all things be treatit and endit heirin, that may goodlie be done and useit to be concludit in any Generall Assemblie: Not theless, that all sick brethren as may goodlie travell, convene to the Generall Assemblie to begin in St Androes the next day of Marche next to come; and the Moderatour to continue to that tyme, and make exhortation, [as before is ordained] according to the rule.

### Sessio 3<sup>a</sup>.

[The brethren assembled, in one voice and mind, gave their full commission and power to the honourable and their beloved brethren, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winrame, Superintendent of Fife and Stratherne, Mr William Lundie of that ilk, Mr Andrew Hay, Commissioner of Cliddisdail, Mr David Lind-

say, Commiſſioner of Kyle, Mr Robert Pont, Commiſſioner of Murrey, Mr John Craig, one of the miniſters of Edinburgh, or any four of them, to compear before my Lord Regents Grace and ſo many of the Lords of Secret Counſell as his Grace ſhall appoint, in Leith this inſtant moneth of January, and there, in the Kirks name, moſt humbly propone, ſhew and declare the articles, heads, ſupplications and complaints delivered to them be the Kirk preſently aſſembled, moſt humbly requeſting for anſwer thereto ; to conferr and reaſon with his Grace and counſell forſaid, upon ſuch heads and articles as ſhall be proponed to them be his Grace and Counſell, and to conclude therein, conforme to the inſtructions given to them be the Kirk, &c., and to report the ſaid heads and articles with their concluſions thereupon to the nixt Aſſembly, to begin at Sanct Andrews the 6 of March nixt to come ; to the effect the ſame may be inſert among the Acts of the Generall Aſſembly, &c. : firm and ſtable, &c.

Item, Ordaineth the ſaid brethren to pen the heads and articles for the Kirk ; and to deliver the double of them to the clerk, to be regiſtred in the Register of the Aſſembly.

Sellio 4<sup>a</sup>.

Ordained, That William Chriſteſon, Miniſter of Dundie, warn John Calder of Aſſowan, Colleſtor of Aberdeen and Bamff, to reſort to the nixt Aſſembly, to give ane account of his intromiſſions ſince his entry to the ſaid office, and to anſwer to ſuch things as ſhall be laid to his charge, under the pain of deprivation from his office ; and Mr George Hay, Commiſſioner for the ſaid countries, to compear before the nixt Aſſembly, to give account of his diligence in execution of his commiſſion.

Sellio 5<sup>a</sup>. January 17.

Compeared Mr Robert Pont, Commiſſioner of Murrey, who declared in the Aſſembly, that through the troubles raiſed in the north, where-through, as the brethren were not ignorant, he was not able to travell there in his commiſſionary ; in reſpect whereof he demitted his commiſſion ſimpliciter on the Kirks hands, requeſting them to provide for ſuch as they

thought might profite in the said countrey, that it be not deftitute of a visitour. C.]

The Kirk underftand that my Lord Regents Grace and Counfell was defyrous that Mr Robert Pont fould accept the place of ane of the Senators of the Colledge of Juftice, quhilk he on nawayes wald accept without the advyfe of the Kirk; therfor the haill brethren affemblit gives licence to the said Mr Robert to accept and ufe the said place of a Senatour in the Colledge of Juftice, quhat tyme he fall be requyrit thereto; provydeing alwayes that he leave not the office of the miniftrie, but that he exercife the fame, as he fould be appoyntit be the Kirk: And this their licence to the said Mr Robert to be no preparative to other minifters to procure flik promotioun, unlefs the Kirks advyfe be had of befor, and licence obtained thereunto.

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[The Articles and Formes of Letters, concerning proviſion of perſons to benefices, and ſpirituell promotions, agreed upon be the Commiſſion of the Kings Majeſty and the Reformed Kirk of Scotland, in their Conference had at Leith, in the moneth of January 1571.

Apud Leith, xvj die menſis Januarij, anno Domini 1571.

The quihilk day, my Lords Regents Grace, with advice of the Lords of Secret Counſell, in our Sovereign Lords name and authority, gives and grants power and commiſſion to the noble and mighty Lords, James Earle of Morton, Lord of Dalkeith, Chancellor of Scotland, William Lord Ruthven, Theſaurer, Adam Biſhop of Orknay, Robert Commendator of Dumfermling, Secretar to our Sovereign Lord, Mr James M<sup>c</sup>Gill of Rankeiler-nether, Clerk of Register, Sir John Ballenden of Anchnoule, Knight, Juſtice Clerk, Mr William Lundie of that ilk, Coline Campbell of Glenurquhy, or any four of them, to conveen, adviſe, treat and conclude with the Superintendents and Miniſters in the Kirk, or Commiſſioners authorized be them, anent all matters tending to the ordering and eſtabliſhing of the policy of the Kirk, the ſuſtentation of the Miniſters, and ſupport of the Kings Majeſty, and common affaires of the realme, to continue in ſuch order as ſhall be agreed upon while his Highneſs perfect age; or while the ſame be altered and abolithed be the three Eſtates in Parliament: promittand to hold firm and ſtable, all and whatſomever the ſaids Commiſſioners does and concludes in the premiſes. Subſcribed be the ſaid Lord Regent, day, year and place forſaids. Sic ſubſcribitur,

JOHN REGENT.



Apud Leith, the xvi day of January.

The whole brethren conveened, in one voice and mind, gives full commission and power to the generous and loving brethren, John Arefkine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winrhame, Superintendent of Fife and Stratherne, Mr William Lundie of that ilk, Mr Andrew Hay, Commissioner of Ranfrew, Cliddisdail and Lennox, Mr David Lindfay, Commissioner of Kyle, Cariēt and Cunningham, Mr Robert Pont, Commissioner of Murrey, Mr John Craig, one of the ministers of Edinburgh, and Adam Fullertoun, one of the Commissioners of the town of Edinburgh, or to any four of them, to compare before my Lord Regents Grace, or so many of the Lords of his Graces Counsell as he shall appoint, this instant moneth of January or thereafter to the sixth day of March nixt to come; and there, in the Kirks name, most humbly propone, shew and declare articles, heads, supplications, complaints delivered to them be the Kirk presently assembled, most humbly requesting for answer thereunto; confer, reason and conclude with his Grace and Counsell forsaide, upon such heads and articles as shall be proponed to them be his Grace and Counsell, conform to the instructions given to them be the present Assembly; and to consent to all and whatsoever shall be treated in the said time, tending to the glory of God, setting forward the preaching of his word and maintaining thereof, the Kings Majesties authority, and common wealth of this realme. Whatsoever happeneth to be concluded on be them in the premises, to report the same to the nixt Assembly, to beginn at Sanct Andrews the sixt day of March nixt to come; or to the effect the same may be insert in the Register of the Assembly of the Kirk: firm and stable holding, and for to hold all and whatsoever the saids brethren or any four of them in the premises conclude to be done, &c. Given in the Generall Assembly and second session thereof be the Clerk of the same, day, year and place forsaide.

At Leith, the xvj day of Januar 1571.

Anent Archebifchoprikkis and Bifchoprikkis.

It is thocht, in confideratioun of the prefent ftate, That the names and titillis of Archebifchoppis and Bifchoppis are not to be alterit or innouat, nor git the boundes of the Dioceis confoundit ; bot to ftand and continew in tyme cuming, as thay did befor the reformatioun of religioun ; at leift, to the Kingis Maiefties maioritie, or confent of Parliament.

That perfonis promovit to Archebifchoprikkis and Bifchoprikkis be, fafar as may be, indewed with the qualiteis fpecifeit in the Epiftlis of Paule to Timothe and Tytus.

That thair be a certane affembly or cheptoure of learnit minifteris annex to euery Metrapolitan or Cathedrall featt.

To all Archebifchoprikkis and Bifchoprikkis vacand or that fall happin to vaik heirefter, perfonis qualifeit to be nominat within the fpace of zeir and day eftir the vacance ; and the perfonis nominat, to be xxx zeirs of age at the leift.

The Deane, or failgeing the Deane, the nixt in dignitie of the Cheptoure, during the tyme of the vacance, falbe Vicar generall and vfe the iurifdictioun in fpiritualibus as the Bifchop mycht have vfit.

All Bifchoppis and Archebifchoppis to be admittit heirefter, fall exerce na farther iurifdictioun in fpirituell functioun nor the fuperintendentis hes and prefently exerce, quhill the fame be agreit vpoun ; and that all Archebifchoppes and Bifchoppis be fubieēt to the Kirk and Generall Affembly thairof in fpiritualibus, as thay ar to the King in temporalibus ; and haif the aduife of the beft learnit of the Cheptoure, to the nowmer of fex at the leift, in the admiſſioun of fic as fall haue fpirituell functioun in the Kirk ; as alſua that it be lauchfull to als mony vtheris of the Cheptoure as pleſis, to be prefent at the faid admiſſioun, and to voit thairanent.

## Anent Abbacijs, Priorijs, and Nunrijs.

That na difpofitioun or provifioun falbe maid of ony abbaceis or prioreis now vacand or that heirefter fall happin to vaik; nor na letters falbe grantit be the Lordes of Sessioun for anfuering the fruitis of ony pairt thair of to ony persoun or vse, quhill first it be considerit quhat portioun of the rentis consistis in kirkis and teindis, and quhat portioun in temporall landes: And, first of all, prouifioun falbe maid be auise of the Bischop or Superintendent, within quahais province the abbacy or priorie lyis, how the ministerie belonging thereto falbe sustenit of the fruitis belonging to the same kirkis, gif it be possible, be speciall assignatioun of samekle geirlie stipend as falbe found reasonable, and be appoynted be the Bischop or Superintendent of the province, and sic of the Kingis Maiesties Counsaile as falbe direct to accord with him thairvpoun.

As for the remanent profitte and title of the benefice, becaus the possessor of the same mon supplie the place of ane of the Ecclesiasticall Estate in Parliament, neidfull it is, that he quha fall haue the stile, title and place of Abbot, Priour, or Commendatar, be well learnit and qualifeit thairfore; and for triall of his qualificatioun, the Kingis Maiesties letter commendatary vnder the signet, falbe direct to the Archebischop or Bischop of the province, quhairin the abbay or priory lyis, to try and examinat his learning and habilitie; and vpoun testimoniales of his habilitie fra the Ordinar, the persoun nominat fall compeir befor the King and Regent, and gif his ayth in forme as the Bischoppes dois; and then fall the Kingis letters and prouifioun vnder the great seill be exped, direct to the Ordinar, Bischop of the province, or vtheris brouking the dignities or superiour offices in the seatt, to gif him institutioun.

The present Convent of ony abbay or priory being haill departit this lyff, in thair places, the ministeris serving the kirkis of the same abbay or priory falbe the Cheptoure, or assessoris to the Commendatar, in geving of ony infestmentis, takkis, richtis or dispositionis of rentes concerning the leving.

That the personis thus prouidit and admittit Commendatares, may be promouit as thay falbe found worthy, to be Senatours for the Spirituall Estate in the College of Justice; or may be employit be the King in the necessar affaires of the common weill; it being first prouidit, that na kirk belonging to thair leving be destitute of ministratioun, and the consent and beneuolence of the Ordinar alsua obtenit thairto.

## Anent Benefices of cure vnder Prelacijs.

All benefices (vnder prelacijs) havend cure of faules, quhilkis ayther of auld pertenis to the Kingis patronage, or newly ar cum in vse, and be Parliament ordanit to be at his Hienes patronage, fall sua continew conforme to the Actes of Parliament; and that the lawic patrones alwayes brouke and vse thair awin richtis.

Nane falbe admittit or ressaunt to ony benefice of cure, bot sic as ar qualifeit; and fall then enter in the functioun of the ministerie alfone as they ressaue ony fruitis of the benefice, and sua continew.

Nane falbe admittit to the office of a minister within the aige of xxiiij yeris compleit.

Quhair personages and vicarages ar coniunct, sa fall thay remane; and, likewise, quhair they ar separat and disiunct, sa to continew.

It fall not be lefull to ony enterand in the functioun of the ministerie, to leif that vocationn and the place appointed for his residence, abone the space of fourty dayes in the geir, without a lanchfull impediment, and licence baith of the King, and Ordinar quhair the benefice lyis, vnder the pane of depriuatioun.

All sic as ar or falbe found worthy and qualifeit ministeris and preacheris, falbe plantit and destributed throuhout the hail realme: and that thair be redaires specialie appointed at euery seuerall kirk, quhair convenientlie it may be, quhilkis being found qualifeit be the Bischop or Superintendent, and enterand be the lauchfull order of the true reformat Kirk, fall ministrat the sacrament of baptyfme, and mak mariages eftir proclamatioun of the bannes lauchfullie and orderlie as efferis.

All vicarages of or within the geirlie value of fourty pundes, may be conferred to redaires; but gif thay exceid the rent, nane to be admitted to thame bot sic as can preache or minister.

Item, Lik as quhair the rent of the benefice is small, the stipend mon be eikit; sa quhair the rent of the benefice is gretar nor the appointit stipend of that place, the superplus fall ly and be comptable to the supplie of vther rowmes not sa plenteous, be the Ordinar, with anise of sic as the King fall appoint to accord thairvpoun.

That all commoun kirkis be difponit as benefices to qualifeit perfonas.

That nane be admittit heirefter to pluralitie of benefices with cure. The last presentatioun of the lawic patrour shall be admittit and preferrit.

The Vniuerlities within quhilkis thair is exercife of liberall Science, fall brouke the patronage of the kirkis and chapellanries annext to thair Collegis, presentand qualifeit perfonis to the kirkis ; and burfares within thair awin Colleage to the chapellanries ; quhairin gif thay failze, the Ordinar to dispone the fame, jure deuoluto ; and failzeing the Ordinar, the King.

Confidering that the conservatioun and purgatioun of the religioun cheiflie appertenis to christiane and godlie kingis, princes, rewlayers and magistratis ; and that it is maist requisite that the kirkis within this realme be seruit be pastoures of sound religioun, obedient to the authoritie of the Kingis Maiestie oure Souerane Lord, it is deliberat, concludit, statute and ordainit be my Lord Regentis Grace, in his Hienes name, with aulse of the Lordes of his Hienes Previe Counsell and of the Commissioners of the reformat Kirk of Scotland, That euery persoun quha fall pretend to be a minister of Goddes word and sacramentis, or to brouke and possels ony spirituall promotioun or leving quhatsumeuir furth of ony benefice or spirituall promotioun, fall, in the presence of the Bischop or Superintendent of the diocy quhair he has or fall haue ecclesiasticall leving, bering title of benefice, stipend, pensioun or portioun, declair his assent, and subscribe to all the articles of religioun, quhilkis only concernis the confessioun of the trew christian fayth and the doctrine of the sacramentis, contenit in the Actes of Parliament halden in the first geir of the reigne of oure Souerane Lord that now is, intitulat, “The Confessioun of the Faith and Doctrine beleuit and professit be the Protestantes of the realme of Scotland, exhibeit to the Estates of the same in Parliament, and be thair publict votes authorized as a doctrine foundit vpon the infalible word of God” ; and gif his aith for acknowleging and recognizing of the Kings Majestie and his authority, according to the form presentlie sett out ; and fall bring from the Bischop or Superintendent a testimoniale in writing, of sic assent, subscription and aith ; and oppinlie, on sum Sunday, in tyme of sermon or publict prayers in the kirk, quhair, be ressoun of his ecclesiasticall leving, he aucht to attend, or of the fruitis quhair of he ressaues commoditie, reid baith the Testimoniale and the Confessioun ; and of new mak the said aith, within the space of ane moneth eftir his admissioun or prouisioun to the same ecclesiasticall leving or geirlic commoditie, vnder the pane that euery persoun that fall not do as is abone appointed, within the space foirsaid, salbe, ipso facto, depriuit, and all

his ecclesiasticall promotiones falbe vacand, as gif he wer than naturallie deid ; and that all personis to be admittit to Prelacijs, quhairby thay ar to haue vote in Parliament, mak the said ayth in prefence of the King, his Regent, or Privy Counsell, within the said space, vnder the pane abone-written.

It is deliberat, thocht expedient and commandit, That all Bischoppes, Superintendentes, Preachers and Ministeris of the word of God, fall earnestlie and diligentlie admonishe the people within thair cures, to continew in thair faith and obedience to the Kingis Maiestie our Soueraine Lord his Regent and authoritie ; and quhaesuir hes maid defectioun or heirefter fall mak defectioun from the same obedience, to admonish thame ; and in cais of thair wilfulnes and obstinacy, to proceed agains them be censures of the Kirk, to excommunicatioun.

Of Prouetrijis of College Kirkis, and vtheris benefices vnder Prelacijs, quhairvnto diuers kirkis ar annex.

That na dispositioun or prouisioun be maid of ony deanries or prouettreis of College kirkis, or vther benefices vnder Prelacijs, quhairvnto diuers kirkis ar annex, now vacand or that heirefter fall happin to vaik ; nor that na letters be grantit be the Lordes of Sessioun, for answering the fruitis of ony part thair of to ony persoun or vse, quhill first it be considderit quhat is the rent of the benefice and quhairin it consistis ; and that prouisioun be maid, how the ministerie of euery ane of the seuerall kirkis falbe sustenit of the fruitis of the same kirkis, gif it be possible, be speciall assignatioun of samekle geirlye stipend as falbe found reasonable, and be appointed be the bishop or superintendent of the province, and sic of the Kingis Counsaile as falbe direct to accord with him thairvpoun.

Item, Gif the leving baith of the prouettreis and prebendaries be foundit vpoun the fruitis of the paroke kirk, the kirk fall first be prouidit of a minister, and speciall assignatioun maid for his payment, befor the titill of the haill be disposit to ony ane persoun.



Of the dispolitoun of Prouestreis Prebendareis in College Kirkis, foundit vpoun temporall landes or annuellis, as alſua of Chapellanreis being of the like foundatioun, for ſupport of the ſcoles and increſ of Letters.

All proueftreis and prebendaries in College kirkis, foundit vpoun temporall landes or annuellis, and all chaiplanryes being of the like foundatioun, now vacand or that fall happin to vaik, ſalbe gevin and diſponit be the Kingis Maieſtie, or vther lauchfull patronis, to burfaires and ſtudentis in Grammer, Art, Theologie, the Lawes, or Medicine, in maner following; that is to ſay, the certane rentale ſalbe inquirit be the Biſchop or Superintendent of euery diocye, of all proueftreis, prebendaryes or chapellanries being within thair diocyes; and thairvpoun ane buke ſalbe deliuerit be thame to the Regent, and remane in the Regiſter, betuix and the laſt day of March nixtocum.

Item, All proueftreis, prebendaries or chaipellanries being of or within the geirlic rent of xx merkes, ſalbe gevin to a burfar in Grammer; and of the ſowme of xx lb. or within, abone xx merkes, to a burfar in Art; and all of the ſowme of xxx lb. or within, abone the ſowme of xx lb. to a burfair in Theologie, Lawes, or Medicine.

Nane ſalbe admittit a burfair in Grammer being vnder the aige of ſevin geirs, nor paſt the aige of xiiij; and fall brouke the commoditie during the ſpace of ſevin geirs only.

Nane ſalbe admittit a burfar in Art being vnder the aige of xiiij geirs; and fall brouke the commoditie during the ſpace of five geirs only.

Nane ſalbe admittit burfair in Theologie, the Lawes, or Medicine, quhill he be firſt paſt Maifter in Arte in ane of the Vniuerſities of this realme; and fall brouke the commoditie during the ſpace of ſex geirs only.

All burfaires in Grammer ſalbe preſented to a Grammar ſcole in ane of the Vniuerſities, or vther famous ſcole in ane of the cheif burrowis or townes of the realme.

All burfaires or ſtudentis nominat to ſic proueftreis, prebendaries and chaipellanries within the diocyes of Abirdene, Murray, Roſs, Caithnes and Orknay, ſalbe preſentit to ſtudy thair Art, Theologie, the Lawes, or Medicine in the College of Abirdene.



All within the diocijs of Sanct Androis, Dunkell, Dumblane and Brechin, to study thair Art, Theologie, Lawes, or Medicine, within ane of the Colleges of the Vniuersitie of Sanct Androis, quhair my Lord Regentis Grace or the patronis fall appoint.

All within the diocyes of Glasgou, Galloway, Argile and the Iles, to study thair Art, Theologie, the Lawes, or Medicine, within the Pedagogy of Glasgou.

Nane salbe admittit to pluralitie of prouestreis, prebendareis and chaipellaureis; and quhair ony prouestrie or prebendarie excedis the fowme of xxx lb. in geirlie rent, it salbe diuidit, and samekle thair of appointit to the burfair of Theologie, the Lawes, or Medicine, and the remanent, according to the rait and value, to ane vther burfar: And gif ony past his cours in Grammar be desirous to pas to the Vniuersitie, and study in Art, Theologie, the Lawes, or Medicine, the chaipellanry or prebendarie he had of befor, may be of new conferrit to him, during his study in ony ane of the faidis Sciences, he haveand alwyfe new presentation in ordinar forme.

The burfares nominat fall first be found be the Maister or Principall of the College of sic aige as is befor written, and apt for the study in sic faculty as he is ordanit vnto, befor he gett the Kingis or vther patronis gift, and that vpoun report or testimoniae from the Maister or Principall of the College, according to the forme and order preferiuit; and gif he continewis not at the study during the tyme and in place appointit, or vtherwise gevis occasioun of deprivioun, he salbe depruit, and ane vther nominat and prouidit of new; quhairin the Kingis Maiestie and vtheris patronis fall alwyfe haue thair place and patronage; and the maister fall certefie the caufs of deprivioun to the patroun within a moneth efter the same, that the patronis may present within sex monethes of new.

#### Generall Articles for Reformatioun of certane Abuses.

Quhairneur actioun or pley is or salbe tueching the payment of thriddes, befor he that is in possessioun of the thrid be hard or admitted in proceffe, he salbe baldin to find cautioun to pay the ministeris serueng the kirk or kirkis of the benefice, out of the quhilk the same thrid suld be payit of thair appointit stipendis, sa far as the thrid extendis to, during the dependance of the pley.

Item, In further pvnishment of the perſonis now at the horne, or ſhall happen to be denuncit rebellis, for non payment of the thriddis, and to further the recovery of payment of the ſame, That the perſonis gevin in dewly execute and indorſat at the horne, be chargit to compeir befor the Regent and Lordes of Secrete Counſale at ane certane day, to anſuer to ſic things as ſalbe inquirit of thame; at quhais comperance thay ſalbe accuſit for thair contempt, and ſalbe committit to waird quhill they haue payit the debt and obtenit thameſelffis relaxt fra the horne; and that the Soliſtar of the Kirkis effaires await diligentlie heirvpoun, according as he ſhall reſſaue aduertifment of the diſobedientes fra the collectouris or vtherwiſe.

Item, That all ſewes, rentales or takkis of ony ſpirituall levings and promotionis, to be maid efter the dait of this preſent Act, in diminutioun, hurt or preiudice of the preſent rentale, ſalbe in law null and of nane avale. And that the certantie of the preſent rentale may be knawn, the Commiſſioners of the Kirk hes takin in hand to caus the ſame be drawin in ane autentik forme, betuix and the laſt day of Marche nixtocum, and a buke of the ſame deliuerit to remane with my Lord Regent to the Kingis uſe; to the effect that mair formaly reſolutionn may be takin in the nominatioun and diſpoſitioun of all benefices.

Item, The Lordes of Seſſioun of the Spirituall Eſtate vnder Prelacijs that cleamys the immvntie of payment of thair thriddes, ſhall, at the leiſt, pay the ſtipend of the miniſteris ſeruing at thair awin kirkis, as the ſame ſalbe modeſteit and appointed be the Commiſſioners from the Kingis Counſale and Kirk.

Item, It is thoct meit, that be ane act and warrand of the Secrete Counſale, the Proneſtis and Baillies of all burrowis that hes gottin the gift of thair annuellis, be chargit to ſend, with thair Commiſſioners to Parliament, thair giftes to be ſene and conſidderit, the rentals of ſic thingis as thay haue in poſſeſſioun or can cleame be the ſaidis giftes, to the end that it may be ſene that the thing diſponit be employit to godlie uſes, according to the intentioun of the gevares and forme of the giftes.

For ſupport of the pure in a part, That all to be admittit to ſpirituall promotioun, heirefter to be haldin to pay the tent part of all ſic portioun of thair ſpirituall promotionis and levings as conſiſtis in teyndis, to the pure.

### The Maner of Creating of a Bifchop.

Trusty and weilbelouit, We great gou weil : Forfamekle as the Bifchoprik of A. prefentlie vaikis be the deceis or forfaltour &c. of the late incumbent of the fame, and calling to oure remembrance the virtu, learning, gude conuerfatioun and vther godlie qualiteis of oure trusty and weilbelouit B. C., preacher of the word of God, We haue thocht gude, be thir oure letters, to name and recommend him to gou, to be chofin to the faid bifchoprik of A. : Quhairfore We require gou immediatelie vpoun the recept heiroy to proceid to goure electioun, according to the lawes of oure realme, and oure licence to cheis, fend vnto gou heirwith ; and the fame electioun fua maid, to certefie vnto ws vnder goure commoun feill. Gevin vnder oure fignet and fubfcriuit be oure richt traift coufing, Johnne Erle of Marr, Lord Erfkein, Regent to Ws, our realme and liegis. At, &c.

### Licence to Cheis.

Oure Souerane Lord, with auife and confent of his richt traift coufing, Johnne Erle of Mar &c., ordanis ane letter to be maid vnder the great Seill in dew forme, direct to the Deane and Cheptoure of the Cathedrall kirk of N., makeand mentioun, That it is humblie menit to his Hienes and his faid Regent on the part of the faidis Deane and Cheptoure, how the kirk forfaid prefentlie vaikis and is deftitute of a pafour be the naturall death or be forfaltour &c. of the laft bifchop thairof, and that his Hienes will grant thame licence to cheis ane vther bifchop and pafour : His Maiefte fauorable inclynand to thair defire, hes thocht gude to grant the fame ; requiring the faidis Deane and Cheptoure to cheis fic ane in bifchop and pafour of the faid bifchoprick, that falbe devote to God, and to his Hienes and his realme, profitable and faythfull ; and that preceptis be direct heirvpoun in dew forme as effeiris. Subfcriuit be the faid Regent. At, &c.

The forme of Ediēt to conuene the Cheptoure for Electioun.

Forfamekle as oure Souerane Lordes letters vnder his Hienes great feill, ar direct to the Deane and Cheptoure of the Metrapolitane kirk of A. grantand thame licence to cheis ane vther bishop and pastoure, the sett now vacand be the naturall death of the last bishop thair of; requiring thame to cheis sic ane in bishop and pastoure of the same, as false devote to God, and to his Hienes and his realme, profitabill and faithfull. And to the effect that the electioun may proceed to the pleasure of God, and to the weill of the King, the Kirk and realme, the day of is appointit; requiring and charging heirfore all the godlie ministeris within the said diocye, nominat and appointed to represent the Cheptoure in the reformat Kirk, that they be present at B. the said day, to doe and performe that quhilk to thame in the said electioun appertenis. Subferiuit, &c. At, &c.

The testimoniaile of the Deane and Cheptoure returnit to the King and his Regent.

To the richt excellent, richt heich and mightie Prince James, be the grace of God, King of Scottis, oure Souerane Lord, your Maiesties daylie oratouris and humble subiectis, the Deane and Cheptoure of the Cathedrall kirk of N. humble reuerence and submissioun: Forfamekle as we having your Hienes licence to cheis ane bishop and pastoure to the said kirk now vacand be the deceis of the last incumbent, hes tryit and examinat the qualificatioun of our weilbelouit brother, N. nominat and recommendit be your Maiestie, quhome we haue found a personage indewit with virtew, learning, gude conuersatioun and vther godlie qualities, and able to discharge the office of ane bishop in the Kirk of God; and thairfor hes elected him thairvnto, humelie craving and requiring your Hienes to grant your Royall assent and approbatioun to oure said electioun, be your Maiesties letters vnder your great seale, in dew and competent forme as effertis. Gevin vnder oure commoun seill and subferiuit with oure handes. At, &c.

In cais the Persoun nominat be not found qualifijt.

Hes tryit and examinat the qualificatioun of N. nominat be goure Maieſtie, and findis him not qualifeit in the haill or part of the qualities requirit in a biſhop; maift humbly thairfoir craving and requiring goure Hienes, That, with all convenient expeditioun, ſum other ſufficiently qualifeit may be of new nominat and recommendit to the ſaid biſhoprik, that the kirk of God be not deſtitute of a paſtoure.

The Confirmatioun, Prouiſioun, and Royal Affent, vpoun the  
Cheptoures certificat maid of their electioun.

Our Souerane Lord, with auife and conſent, &c. ordains ane letter to be maid vnder the great ſeill in dew forme, direct to the maift reuerend Father in God and his Hienes weilbelouit A. be the permiſſioun of God, Archebiſhop of S. or to quhatſumeur vther biſchoppes to quhome in this part it appertenis, makand mentioun, That, the ſeitt of N. latelie vacand be the naturall death of the laſt biſhop thairof, or be forfaltour, tranſſatioun, dimiſſioun or depriuatioun, &c. his Hienes, at the humble petitioun of the Deane and Cheptoure of the Cathedrall kirk of N., be his Maieſties letters vnder the great ſeill, hes grantit licence to thame to cheis ane vther in biſhop and paſtoure of the ſeitt foirſaid. The ſame Deane and Cheptoure, be virtew of the ſaid licence, hes choiſit his Hienes weilbelouit, A. B. precher of the word of God, in biſhop and paſtour to thame of the ſaid kirk; as be thair letters vnder thair commoun ſeill directit to his Hienes mair plainly may appeir: Thairfoir our ſaid Souerane Lord acceptand the ſaid electioun, hes gevin his royall affent thairto, as alſua his fauour; and ſignifeis the ſame to the ſaid Archebiſhop or Biſhop be the ſaid letter, requiring, and in faith and luſe quhairby thay ar haldin to his Maieſtie, commanding thame to conſecrat the ſaid A. B. electit, as ſaid is, in biſhop and paſtoure of the kirk foirſaid, and to confirme the ſaid electioun, and all and findre vther thingis to do belangand to thair paſtoral office in that part, efter the forme of the lawis of this realme, with all diligence, fauour and effect. Subſcriuit be the ſaid Lord Regent. At, &c.

Gif he be a Bifchop already, and is to be tranflatit, then to  
vfe thir wordes.

And the fame A. B. bifchop and paffoure of the Cathedrall Kirk foir-  
faid, be tranlatioun to confirme, &c.

Efter the Confecratioun, the new maid bifchop fall compeir  
befoir the Kingis Maieftie or his Regent, and mak his  
ayth, as followis.

I, A. B. now eleētit bifchop of S. vtterlie teſtefeis and declaires in my  
conſcience, That goure Maieſtie is the only lauchfull and ſupreme Gover-  
nour of this realme, as well in things temperall, as in the conſervatioun and  
purgatioun of the religioun; and that na foreyne prince, perfoun, prelat,  
ſtate, or potentat, hes or aucht to haue ony iuriſdictioun, power, ſuperiori-  
tie, preheminance or authoritie Eccleſiaſticall and Spirituall within this  
realme; and thairfore I vtterlie renunce and forſake all foreyne iuriſdic-  
tionis, powers, ſuperioriteis and authoriteis, and promiſes that fra this  
furth I ſhall and will beare fayth and trew allegiance to goure Maieſtie,  
goure aires and lauchfull ſucceſſours; and to my power ſhall aſſiſt and defend  
all iuriſdictiounes, preuilegis, preheminances and authoriteis grantit and  
belangand to goure Hienes, goure aires and lauchfull ſucceſſours, or vnyted  
and annexed to goure Royale croun: and farther I acknowlege and confeſſe  
to haue and hald the ſaid biſchoprik and poſſeſſionis of the ſame, vnder  
God, only of goure Maieſtie and croun Royale of this goure realme: And  
for the ſaidis poſſeſſionis I do my homage preſentlie to goure Maieſtie, and  
to the ſame goure aires and lauchfull ſucceſſours ſalbe faithfull and trew.  
Sa help me God.

#### Reſtitutioun of the Biſchoppes Temporalitie.

Oure Souerane Lord, with auiſe and conſent of his richt traift couſing,  
&c. ordanis ane letter to be maid vnder the previe ſeill in dew forme, mak-  
and mentioun, That, the biſchoprik of N. vacand be the deceis of the laſt



bifchop thairof, the Deane and Cheptoure of the Cathedrall kirk foirfaid, be his Hienes licence focht and obtenit, hes electit his Hienes weilbelonit A. B. prechear of the word of God, in thair bifchop and pafoure : To quhilk electioun and perfoun electit his Maieftie hes gevin his Royale affent and fauour, and hes reffautit his fidelitie dew to his Hienes for the faid bifchoprik, reftorand to him the temporaliteis thairof be thir presentis ; and that the faids letters be extendit in the beft forme with all claufes neidfull, with command in the fame to the Lordes of Counfaile and Seffion, to grant and gif letters in the foure formes, at the instance of the faid A. B. now electit, admittit and confirmit Bifchop of C. to caus him to be anfuwerit and obeyit of the faid temporalitie thairof, and vthers fruitis and rentes of the fame fra the feift of D. laft bipaft, in dew and competent forme as efferis. Subfcriuit be the faid Lord Regent.

#### Touard the Chapters of Metropolitan and Cathedrall Kirkis.

Becaus diuers of the Deanryes, and vther dignities and benefices callit Channonreis and Prebendareis in Metropolitan and Cathedrall kirkis, ar poffellit be perfonis that hes not maid profeffioun of the trew religioun ; and vtheris that, althocht thay haue maid profeffioun of the trew religioun, git haue not enterit be lauchfull order of the trew reformat Kirk in the functioun of the minifterie, and fa nather the ane nor the vther fort ar thocht meit to haue vote in the electioun of the trew bifchop ; thairfoir, in tyme cuming, this order falbe obferuit as interim, alfwieill for bifchoprikkis now vacand or that heirefter fall happin to vaik, falang as the benefices of the auld Cheptoure are not in the poffeffioun of the minifteris of the Kirk profeffouris of the trew religioun, that is to fay, fa mony of the auld ordinar Cheptoure as ar presentlie lauchfull Minifteris and profeffoures of the faid trew religioun, fall haue thair awin vote, place and priuilege ; and in place of fa mony of the vtheris, present poffeffoures of the benefices of the Cheptoure, now poffellit be perfonis not profeffing the trew religioun, or that has not enterit or fall not enter be lauchfull order of the trew reformat Kirk, in the functioun of the minifterie, falbe nominat als mony of the maift godlie and learnit minifteris feruing the kirkis within that province.

It is confidderit, that of the Archebifchoprikkis within this realme and Bifchoprikkis, twa, viz. Sanct Androis and Galloway, had Chaptoures in



Cloisteris, and the Cheptoures of the remanent kirkis wer personis of parochie kirkis ; and thairfoir sa lang as the benefices of the Cheptoure ar not in possellioun of the ministerris of the reformat Kirk, professours of the trew religioun, quhilk, God willing, with tyme (the present possessours depart- and this mortale lyff) false, this order is thocht meit for the electioun.

First, For the seitt of Sanct Androis, That sa mony of the auld Cheptoure as levis, and ar ministeris professouris of the trew religioun, fall still be of the Cheptoure during thair naturall lyves ; viz.

The Bischop of Caithnes, Commendatar of the Priorie of Sanct Androis, Deane.

The Priour of Portmook.

Patrik Boncle, Minister at Pallady kirk.

John Gudefallow, Minister at Eglilgreg.

Nicoll Spittell, Minister at Langforgound.

David Robertfoun, Minister at Rossy.

John Vre, Minister at Lewchirres.

Peter Ramfay, Minister at Derfy.

Peter Watfoun, Minister at Merkinche.

Alexander Mure, Minister at Kilgoure.

Patrick Kinloch, Minister at Linlythgow.

Johnne Duncanfoun, Minister at Striueling.

Maister William Braidfute, Minister at Lathrisk.

Maister Thomas Biggar, Minister at Kingorne.

The Cheptoure or Assembly of the Archebischop of Sanct Androis assessoris, consist, in tyme to cum, efter the death of the present Convent of the abbay, in xxj personis heirestir nominat, quhilkis personis nominat fall represent the Cheptoure in electioun of the Archebischop ; and siclike, in tyme cuming, for electioun and spirituall esaires, als weil befor as efter the death of the Convent, without preiuging the auld Convent during thair lyftymes, in things temporall.

The Priour of Sanct Androis, Deane.

The Priour of Portmook.

The Minister of Edinburgh.

The Minister of Leith.

The Minister of Linlythgow.

The Minister of Striueling.  
 The Minister of Dumbar.  
 The Minister of Hadingtoun.  
 The Minister of Perth.  
 The Minister of Carrale.  
 The Minister of Coupar.  
 The Minister of Anstruther.  
 The Minister of Dysart.  
 The Minister of Kirkcaldy.  
 The Minister of Kingorne.  
 The Minister of Dumfermling.  
 The Minister of Abirbrothok.  
 The Minister of Calder in Lowtheane.  
 The Minister of Fettercarne.  
 The Minister of Duns.  
 The Minister of Methven.

That in the feitt of Archebischoprik of Sanct Androis, vnder the Archebischop, thir Dignities or Superiour offices in the Kirk be retenit, quhilkis succelliuelie having the Kings licence to cheis, sall convocat the Cheptoure to that effect.

The Deane quhais leving is and falbe the Priorie.

The Archedeane of Sanct Androis.

The Archedeane of Lowtheane.

The Chancellair, quha falbe the Prouest of the Queinis College beside Edinburgh.

And, in the meyntyme, quhill the levingis of the saidis Archedeanyres and Chancellarie vaik be the death of the present possellours, quhilkis ar not in the function of the Ministerie, the offices falbe seruít be

Maister John Winrhame, as Archedeane of Sanct Androis.

Mr Johnne Spottifwood, Archedeane of Lowtheane.

Mr David Lindefay, as Chancellair.

Nota. The like order for the Bischoprik of Galloway  
to be takin.

For the featt of Glasgow.

The Cheptoure consistit in xxxij Channonreis or Prebendaries foundat  
vpoun distinct and feuerall benefices ; that is to say,

Deanrie ; the personage of Hammyltoun.

Chanterie ; personage of Kilbride.

Chancellerie ; personage of Campfey.

Thesaurarie ; personage of Carnweth.

Subdeanrie ; personage of Calder and Monkland.

Archdeanrie ; personage of Pebles and Maner.

Archdeanrie of Teviotdaill ; personage of Morbottill.

Personage of Glasgow.

Personage of Stobo.

Personage of Govane.

Personage of Renfrew.

Personage of Erskin.

Subchanterie ; personage of Durisdeer.

Personage of Carstairs.

Personage of Sanquhair.

Personage of Eglisshame.

Personage of Air.

Personage of Cardrois.

Personage of Kirkmahoe.

Lord Provand.

Personage of Douglas.

Personage of Ancrum.

Personage of Cambullang.

Personage of Cumnock.

Personage of Auld Roxburgh.

Personage of Askirk.

Personage of Moffet.

Personage of Killerne.

Personage of Bothernock.

Personage of Eddiestoun.

Personage of Torboltoun.

Personage of Lus.

Off the present possesseours of the benefices, onlie sex ar enterit in the functioun of the ministerie, quhilkis salbe of the Cheptoure for the electioun of the Archebischop ; as alswa how sone the remanent present possesseours departes this lyff, the benefices fall alwyse be disponit to qualifeit personis that fall entir in the functioun of the ministerie, and thay to be of the Cheptoure ; and quhill the personis present possesseours, not enterit in the functioun of the ministerie, be departed this lyff, to the sex of the Cheptoure quhilkis ar already ministerris salbe adionit the vtheris ministerris following, to represent and supplie the Cheptoure in electioun of the Archebischop.

The names of the sex of the Cheptoure that ar already Ministers.

Maister Johnne Coluile, Minister at Kilbryde.

Maister Andro Hay, Minister at Renfrew.

Maister Petir Young.

Maister James Striueling.

Maister George Hay.

Maister Johnne Hammyltoun.

The personis adioynit.

The Minister of Glasgou.

The Minister of Dumbertane.

The Minister of Irwing.

The Minister of Air.

The Minister of Lanerk.

The Minister of Hammyltoun.

The Minister of Campsey.

The Minister of Cammonell.

The Minister of Mauchline.

The Minister of Vchiltrie.

The Minister of Stevinsoun.

The Minister of Kirkpatrik.

The Minister of Peibles.

The Minister of Rutherglen.

The Minister of Stratoun.

That in the feitt of the Archebifchoprik of Glaſgow, vnder the Archebifchop thir digniteis as ſuperiour offices in the Kirk be retenit, quhilkis fuccelluēlie having the licence to cheis, fall convocat the Cheptoure to that effect.

The Deane.

The Archedeane of Glaſgow.

The Archedeane of Teviotdale.

The Chancellair.

The levingis of thir digniteis and offices ar knawin, and efter the death of the preſent poſſeffoures, perſonis qualifeit miniſteris being placit in the levingis, fall allua diſcharge the offices; and in the meyntyme of the electioun of the ſaid Archebifchop, thir perſonis fall repreſent and ſupplie the ſamine offices;

Maifter Andro Hay, Deane.

Mr James Greg, Archedene of Glaſgow.

Mr Johnne Coluile, Archedene of Teviotdale.

Mr David Wemys, Chancellair.

Without preiudice of the preſent Cheptoure during thair lyftymes in thingis temporall.

The like order toward the remanent Biſchoprikkis, having benefices appointed to ſic as ſould be of the Cheptoures.

The forme of a letter direct to the Ordinar, or, the ſeitt vacand, to the Deane, or vther nixt conſtitute in dignity of the Cheptoure, in the fauour of a perſoun to be promovit to ane Abbacy or Priory.

Reuerend Father in God, We great gow weil: Forſamekle as the Abbacy or Priory of A. preſentlie vaikis be the deceis of the late incumbent of the ſame; and having already maid prouifioun how the miniſterie of the kirkis of the ſame ſuld be ſuſtenit, We haue thoct convenient to name and recommend oure weilbelouit clerk, B. C. to the Commendatary of the ſaid Abbay or Priorie of A. And ſen the poſſeffoure of the ſame is to re-

presente the place of ane of the Ecclesiasticall Estate in our Parliament, neidfull it is that he be sufficientlie qualifeit ; quhairfor We require and pray you immediatlie vpon the recept heirof, to try and examinat his learning and habilitie, certefeing Ws of the same be your testimoniale, that thairvpon We may provide him of the said abbay or priorie as efferis. Gevin vnder our signet and subscriuit, &c.

The Testimoniale of the Ordinar returnit to the Kingis Maiestie or his Regent.

To the richt excellent, &c. your Maiesties humble oratours reuerence and submissioun : Foramekle as having tryit and examinat the qualificatioun of oure weilbelouit A. B. nominat and recommendit be your Maiestie to the Commendatary of the abbay or priorie of A. we haue found him of sufficient learning and habilitie, quhilk we declair and signifie to your Hienes be thir presentis. Subscriuit with oure handes and vnder oure . At, &c.

In cais the persoun nominat be not found qualifijt.

Hes tryit and examinat, &c. and hes not found him qualifeit in hail or part of the qualiteis requirit ; maist humblie thairfor craving and requiring your Hienes, That, with all convenient expeditioun, sum vther sufficientlie qualifeit may be of new nominat and recommendit to the said abbay or priorie.

The Gift and prouisioun vpon the Ordinaris certificat.

Oure Souerane Lord, with auise and consent, &c. ordanis ane letter to be maid vnder the great seill in due forme, direct to the reuerend Father in God, A. Archebischop or Bischop of B., makand mentioun, That the abbacy or priory of C. presently vaikis be the naturall death of the last abbat, priour, or commendatar thairof, or be forfaltoure, translatioun, dimissoun or deprivation, his Hienes hes nominat and recommendit his weilbelouit,

D. E. to the Commendatary of the said abbay or priorie of C., quha be his Ordinar is found of sufficient learning and habilitie thairfore; and alsua hes gevin the confessioun of his fayth, his aith for acknowleging and recognoscing his Hienes authoritie, and dew obedience of his Ordinar in accustomed forme: Thairfoir gevand, grantand and disponand be the said letter to the said D. E. the said abbacy or priory of C. with all dignitie, richtis, rentes, patrimonie, priuilegis and possessionis quhatfumeuir belonging thairto; and makand and constitutand him Commendater thairof during his lyf tyme, to be brouked and joyfied be him als frelie as ony vther broukit and possessit the same in tyme bigane, but ony reuocatioun; requiring the said reuerend Father to mak the said D. E. now nominat and admittit Commendater of the said abbay or priorie of C. haue institutioun and posselioun of the same; and all and lindre vther thingis to do concerning his pastorall office in this part, with all diligence, fauour and effect; and that the said letter be extendit in the best forme with all clausfes neidfull, with command in the samyn to the Lordes of Counsaile and Sessioun, to grant and gif letters for answering and obeying of the said D. E. now Commendatar of the said abbay or priory, of the rentes, fruitis, profitis, emolumentes and deweties thairof, during his lyf tyme, and to nane vtheris. Subscriuit, &c.

The forme of a letter direct to the Maister of the Grammer Scoile, in fauour of a Bursar Student in Grammer.

Trusty and weilbelouit, We greit zow weil: Forfamekle as the prebendarie or chapellanrie of A. liand in the diocy of B. now vaikis be the deceis of vmquhile C. D. last possessor of the same, the zeirlye rent quhair of is thocht not to exceed the sowne of xx merkes; and We willing to confer the samyn to a Bursair in support of his sustentatioun at the scole, for the increas and furtherance of gude letters, be thir oure letters nominatis and presentis oure louit, &c. requiring zow to try and examinat, gif he be past the aige of sevin and be within the aige of xiiij zeiris, gif he be apt to study in Grammer, and will promise to continew his study vnder zow and be subiect to zoure discipline; as alsua inquire quhair the chapellanrie or prebendarie lyis, and quhat is the certane rent thairof, that, vpoun zoure report to be returnit to Ws within the space of ane moneth efter the dait



heirof, We may resolue in the dispositioun of the same prebendarie or chapellanry as efferis. Subscriuit, &c.

The answer of the Maister of the Grammer Schole.

To the richt excellent, &c. goure Hienes humble subiect, A. B. Maister of the Grammer Schole of C. humble reuerence and submillioun: According to the command of goure Maiesties letters, having taken triall I find D. E. nominat and recommendit be goure Hienes to the prebendarie or chapellanrie of A., past the aige of sevin, and within the aige of fourtene geiris, apt and disposit to study in Grammer, quhairin he hes promisit to continue and be subiect to my discipline; having alsua inquit I find that the said prebendarie or chapellanrie lyes within the diocy of F. and extendis to of geirlie rent. Subscriuit with my hand and vnder, &c.

The gift and prouisioun vpoun the certificat of the Maister of the Grammer Schole.

Our Souerane Lord, with aduice, &c. ordanis aue letter to be maid vnder the previe seill in dew forme, makand mentioun, That the prebendarie or chaipellanry of A., liand in the diocy of S., vacand be deceis of umquhile B. C., last possessoure thairof, his Maiestie hes vnderstand the geirlie rent thairof not to exceid the fowme of xx merkes money of this realme; and being certefeit, that his louit N. Q. is of convenient aige to entir in the study of Grammer, and is apt and disposit thairfore, and promisit to be subiect to discipline and continew thairin: Thairfore gevand, grantand, and disponand be the said letter to the said N. Q., all and hail the said prebendarie or chaipellanrie of A., with all fruitis, rentes, profittes, emolumentis and deweties belangand thairto, in support of his sustentatioun at the scole, during the space of seven geiris efter the dait heir-of, with power to him be himself, his parentes and factouris in his name, to intromett and tak vp the fruitis, rentes, emolumentis, profittes and deweties of the said prebendarie or chapellanrie during the said space, to the effect abone writtin, with all and findrie commoditeis, fredomes, &c., als frelie, &c. as ony vtheris had and broukit the same of befor, but ony

reuocation, &c.; and that the said letter be extendit in the best forme with all clausfes neidfull, with command in the fame to the Lordes of Counsaile and Sessioun, to grant and gif letters in the foure formes, for answering and obeying of the said N. Q. of the fruitis, rentes, profittes, emolumentis and deweties of the said prebendarie or chapellanrie, during the space abone specefeit; commanding alsua the Maister of the Grammer Schole of M. to refflaue the said N. Q. vnder his cure and discipline, be the space abone specifeit; and at the end of the same, or in cais of his deprivation or not continewance in study, to certesie the same, that ane vther may be prouidit to the said prebendarie or chapellanrie of new. Subscriuit, &c.

For a Burfair in Art the like formes, changing the termes in the presentatioun, the space, and quantitie of rent.

Trusty and weilbelouit, &c. To the Principall and Maisteris of the College of M. N.

For a Burfair student in Theologie the like formes, changing termes in the tyme, quantitie of rent, and vther wordes neidfull.

Nota. The Burfares in Art, Theologie, the Lawes or Medicine, mon gif the confessioun of thair faith, and ane aith for acknowleging the Kingis authoritie.

The forme of the Ayth to be gevin be the persoun prouidit to ony benefice with cure, the tyme of his admissioun be the Ordinar; as alsua be Burfares in Art, Theologie, the Lawes or Medicine, the tyme of thair recept in the Vniuersitie.

I, A. B. now nominat and admittit to the C. of D. vtterlie testefeis and declaires in my conscience, That the richt excellent, richt heich and mich-

tie Prince James the sext, be the grace of God, King of Scottis, is the only lauchfull supreme Governour of this realme, als weill in thingis temporall as in conservatioun and purgatioun of the religioun; and that na foreyne Prince, Prelat, State or Potentate hes or aucht to haue ony iurisdic*t*ioun, power, superioritie, preheminance or authorite Ecclesiasticall and Spirituall within this realme: And thairfore I vterlie renunce and forsaik all foreyne iurisdic*t*iones, powers, superioriteis and authoriteis, and promifes that from this furth I shall and will beare faith and trew allegiance to his Hienes, his airis and lauchfull successeours, and to my power fall assist and defend all iurisdic*t*ionis, preuileges, preheminances and authoriteis grantit and belanging to his Hienes, his aires and lauchfull successeours, or vnited and annex to his Royale croun; and farther I acknowlege and confesse to haue and hald the said C. and possessionis of the same, vnder God, only of his Maiestie and croun Royale of this realme; and for the saidis possessionis I do homage presentlie vnto his Hienes in goure presence, and to his Maiestie, his aires and lauchfull successeours salbe faithfull and trew. Sa help me God.

Gif the benefice be at presentatioun of a lawic patroun: At the geving of the ayth, the persoun presentit fall say, I acknowlege and confes to haue and hald the said C. and possessionis of the same, vnder God, be his Maiestie, of E. F. lauchfull patroun of the same.

In benefices of cure, the personis admittit fall promise obedience to the Ordinar; and in Scoles or Vniuersiteis, to the Maister or Principall thair of.

Forfamekle as the heades and articles now talkit of, and put in sic forme as is contenit in this buke, can not haue full effect and executioun as lawes; nor na lawic patronis vnwilling can be compellit thairby, quhill the same be allowit and enacted in Parliament: Neuirtheles it is thocht and ment by my Lord Regentis Grace, That in sic thingis as he fall happin to pas in the Kingis Maiesties name; and the Bischoppes, Superintendentis, and Maisteris of Colleges and Scoles, in thair admissioun; and the Lordes of Sessioun, in granting of letters, fall haue respect to the keping and obseruatioun of the order now condescendit vpoun, as gif it wer establisht be law; and that all lawic patronis be persuadit to the obseruatioun of the same order, quhill is ordanit to haue the strenth of ane act of the Secrete Counsale: and that exact laboures salbe takin to gett this ordour allowit,

confirmit and establisht as law be the Parliament; and for that effect that the formes of signatoures and letters be kept vnalterit.

And a Register to be kept be the clerk of the Secrete Counsaile, of all signatures, and vtheris grantis of any Spirituall promotionis or maters concerning the same; and the seillis to ansuer na signatoure or letter vnregistrat and subseriuit on the bak be the said clerk: And in cais ony letter be past negligentlie the handes of the Regent different from thair formes, that the clerk stay the same vnregistrat, quhill the mater be oppynnyt to the Regent, and his mynd certanlie vnderstand; and na letters to pas with blankes; and na double gift to be registrat without the Regents mynd first knawin. Sic subseribitur.

Quhilkis articles and formes abonewrittin being sene and considerit be my Lord Regentis Grace, he, in oure Souerane Lordes name, allowis and approvis the same. At Leith, the first day of Februar, the ȝeir of God 1<sup>st</sup> v<sup>c</sup> thre scoin ellevin ȝeris. Sic subseribitur. JOHNE REGENT.

. . . . .

Apud Leyth xxij Januarij, anno Domini 1<sup>st</sup> v<sup>c</sup> lxxj.

The Commiſſionaris of the Kirk hes grantit and assignit, and be the tenour heirof grantis and assignis the ſowmes of money and victuallis vnderwrittin for the ſupport of the Kingis Maieſties eſtate and commoun effaris of the realme, of the crop and ȝeir of God 1<sup>st</sup> v<sup>c</sup> thre scoin ellevin ȝeris iſtant and in tyme cuming, that is to ſay, to the ſupport of the Kingis Maieſteis houſe the ſowme of iij<sup>rd</sup> vj<sup>c</sup> xxxj ti iij ſ.

And for payment thairof.

The money of the thrid of the abbay of Kinlos, iij<sup>c</sup> lxxxiiij ti iij d.

The money of the thrid of the Biſhoprick of Murray, v<sup>c</sup> xlix ti xv ſ ix d.

The money of the thrid of the Biſhoprik of Aberdene, v<sup>c</sup> lj ti v ſ viij d.

The money of the thrid of the Abbay of Abirbrothok, viij<sup>c</sup> xxvij ti xv ſ.

The money of the thrid of the Biſhoprik of Sanct Androis, viij<sup>c</sup> iij ti xij ſ iij d.

The money of the thrid of the Biſhoprik of Dunkeld, v<sup>c</sup> ti.

Summa.

And becaus Sir Patrik Leirmonth of Derfy, Knycht, Prouest of Sanct Androis, hes obtenit ane decreit befor the Lordis of Counfall and Seffioun, twicheing his awin few males to be allowit to him in his bailliefe, quhairthrow fa mekill will presentlie inlaik of the thrid of the Bischoprik of Sanct Androis: Thairfor in place thair of for the present geir and in tyme cuming quhill the said decreit be reducit, the Commiffionaris hes grantit and assignit the fowme of xlvj fi xij š iiij d to be payit be the Collectour present and to cum.

Item, To the support of my Lord Regentis Grace hous, out of the handes of euery ane of the Collectouris vnder written, the fowme of fyve hundrith and fifty merkis, with the thrid of the Prouestrie of Methuen, makand out in the haill v<sup>co</sup> merkis.

Item, To Maister James Haliburtoun, Prouest of Dundee, his penfioun out of the thrid of Scone, extending in money to xlvj fi xvij š.

Quheit out of Scone, v chalderis, ij bolls, ij pairt bolls.

Beir out of the fame, xvj chalderis, x bolls.

Meill out of the fame, vj chalderis.

Summa of victuale, xxviiij chalderis, xij bolls, 2 pairt bolls,  
and of money xlvj fi xvij š.

To the Maister of Requeistis out of the thrid of Balmerinoch ij<sup>e</sup> fi.

As to the Lard of Granges auld penfioun or tak out of Wester Kingorne, Auchtertule and Fynmonth, extending to 1<sup>c</sup> lvij fi ij š iiij d money, ij chalderis x bolls beir, xiiij chalderis v bolls aittis, with the thrid of the lyme, and of the assignatioun maid to the Castell of Edinburgh of the filuer of the Abbay of Scone in money, iij<sup>e</sup> xxxiiij fi ij š 1 d 3 pt. d, and xlvj chalder victuale rynnand met, out of Scone, Dunfermling and Sanct Androis, quheit, beir and meill of the crop 1570; be agrement the fame is ordanit to be equalie diuidit betuix the Ministerie and to the Kingis vse. And in respect of the assignatioun maid alreddy to the Ministerie of the fame of this instant geir and crop, it can not convenientlie be sparit; bot thaireftir for the tyme to cum, the Commiffionaris hes thocht meit and aggregit, that it fall returne to the vse of the King for the support of the said Castell, howfone it cumis to his obedience, or vtheris the neidfull effaris of the State.

Item, To my Lord now Regent for support of his expensis attending

vpoun the Kingis perfoun, the thrid of the filuer of Jedburgh with Ref-tennot, iij<sup>e</sup> xxxij ti viij s viij d; the commoun kirk of Welftoun xl ti; Vicarage thair of xv ti; Vicarage of Falkirk xij ti vj s viij d; Vicarage of Kilmacolme xj ti. Summa iij<sup>e</sup> lxxxij ti iij s iij d; togidder with the thrid of meill, quheit and beir of Jedburgh, and hail victuale of Dunblane, bayth extending to xli chalderis viij bolls iij fyrlots.

Item, For keping of the Castell of Dumbartane, out of the thrid of Paflay, xx chalder victuale.

Item, In hors corne to my Lord Regent, fourty chalder aittis grantit and assignit to be payit in maner following, viz. out of Fyff of the present geir 1571, and for the tyme to cum a special assignatioun falbe maid befor October nixt.

Item, It falbe lauchfull to the Kingis Maiestie, with auise of my Lord Regent, to mak and constitute Collectouris and Chalmerlanis ane or ma for craving, collecting and inbringing of the money and victuallis abone writtin, assignit to the support of the Kingis Maiesteis hous, and vtheris special assignationis abone writtin, dischargethe the Collectouris of the Kirk of all intromissioun with the same.

Item, Grantit and assignit to Agnes Scott during hir wedoheid, the fowme of twa hundrith merkis of the thrid of the Abbay of Culros.

And this assignatioun to lest and indure this present geir and crop, and geirle in tyme cuming quhill farder ordour be tane.

The names of the Collectouris and thair boundis.

Patrik Davidfoun, Ros Herauld, collectour of Ros, Sutherland, Strathnaver and Caithnes.

David Dunbar, collectour of Murray.

Johnne Calder of Aslowne, collectour of Abirdene and Banff.

William Foulartoun, collectour of Mernis and Angus.

David Murray, collectour of Perth.

Maister Robert Winrame, collectour of Fyff. } Togidder.

Thomas Lindefay, Snawdoun Herauld, collectour of Lowthiane and Mers.

William Ruthbifurd, collectour of Roxburgh, Selkirk and Peblis.



James Boyd, collectour of Lanark, Renfrew, Striueling, Dunbartane, Kyle, Carrik and Cunynghame.

Hary Smyth, collectour of Niddisdail and Galloway.

R. Dunfermling.

Hew Wallace of Caruell.

Mr Andro Hay.

Johnne Erskin.

Maister Johnne Winrame.

Bellenden.

Maister Williame Lundy.

Robert Pont.

Dauid Lindefay.

The Commiffionaris of the Kirk for diuers gude confiderationis moving thame, hes grantit and dispoit to Alexander, Commendatare of Culros, ane of the Senatouris of the College of Justice, the thrid of his benefice of the Abbay of Culros, and makis and constitutis him self collectour and intromettour thairwith of this present crop and geir of God I<sup>o</sup> V<sup>c</sup> lxxj geris, and in tyme cuming, quhill farder ordour be tane; he payand geirlie thairfoir the fowme of fyve hundrith merkis, that is to say, the fowme of twa hundrith merkis to Agnes Scott, and the rest to the Collectour of the thrid in theis partis; and ordanis the said Commendatare to find sufficient caution to the Collectour for the same.

. . . . .

Anent the supplicatioun presentit to the Commiffionaris appointit be the Kingis Maiestie and the Assemblie of the Kirk be Maister David Wemys, Minister at Glasgow, makand mentioun, That quhair he hes seruit in the office of Ministerie at the said Citie be the space of ten geris bipast, in sum troubill and without certantie of his stipend; requirand that he may vnderstand at quhais handis he fall crave the same in tyme cuming, Quhidder of the personage of Glasgow quhair of the frutes ar now intromettit with be Maister Archibald Douglas, or otherways. The Commiffionaris having consideratioun of the raritie of qualifit personis Senatouris in the College of Justice of the Spirituall Estate, and willing to remove all occasioun of contentioun, hes concludit, and be this present act decernis and declaris be consent of the saidis Maister Archibald and Dauid, That the said Maister Archibald salbe owersene to brouke the personage of Glasgow be sic rycht and possessioun as he hes alreddy thair of during his lyff;



and the said Maister Archibald fall content and pay to the said Mr Dauid sa lang as he fall continew Minister of Glasgou, or to the vtheris that fall succeid to him in that charge, thair geirlie stipend extending to the fowme of twa hundrith pundis, at twa termis in the geir, Witfunday and Martimes in Wintir, be equall portionis; begynnand the first termis payment at the Feist of Witfunday nixtocum in the geir of God I<sup>m</sup> V<sup>c</sup> thre scoir twelf geris; and that in payment and satisfactioun of the thrid of the said personage, and to the effect the said thrid may be recoverit agane according to the full rental that the famyn extendit vnto the geir of God I<sup>m</sup> v<sup>c</sup> lxj geris, commandis the Procuratouris of the Kirk to persew at thair instance for reduccioun of quhatfumeuir giftis and dispositiounis maid of the same thrid, in preiudice and diminutioun of the first rental, quhairthrow the said Maister Archibald may brouke the said hail thrid, and may be abill thairby to pay the fowme of twa hundrith pundis to the Minister foirsaid: Prouiding that this salbe na preparatiue to vther the lyke thingis heireftir; and that the said Maister Dauid be payit of his stipend as he hes bene heirtofoir quhill the said Feist of Witfunday nixtocum: And als, with auise and consent of the saidis Maister Archibald and Dauid, ordanis thir presentis to be actit and regiftrat in the bukis of Counfall, to haue the strenth of ane act and decreit of the Lordis thair of, and letters and executoriallis of horning or pounding to pas thairvpoun in forme as efferis. In witnes heirof the Commiffionaris of the Counfall and Kirk, hes commandit thir presentis to be subscriuit be the scribe of the Prevy Counfall in thair names. And the saidis Maister Archibald and Dauid, in takin of thair consentis and for thair interefs, hes subscriuit thir presentis with thair handis, day, geir and place foirsaid, befoir thir witneses, Robert, Commendatare of Dunfermling, Maister James Makgill of Rankelour-nethir, Clerk of Regiftare, Johnne Bellenden of Auchnowle, Justice Clerk, and Alexander Hay, Scribe to the Prevy Counfall. Sic subscribitur Mr Archibald Dowglas, Maister Dauid Wemys, Minister at Glasgou, Alexander Hay. C. & Reg. Sec. Conc.]

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A. D. M.D.LXXI.

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THE Generall Affemblie haldin and begun in St Androes [in Sanct Leonards school] the faxt day of Marche 1571 : In the quibilk were present the Superintendents, Barrons, Commiffioners to plant Kirks, Commiffioners of Provinces, Townes, Kirks, Universities, Minifters, and Mr Johne Dowglas, Archbifchop of St Androes. Mr Robert Hamiltoun, Minifter in St Androes, Moderatour for this present Affemblie.

Sellio 1<sup>a</sup>.

[At the triall of the Superintendents, Mr John Winram, Superintendent of Fife, was complained upon be Mr Thomas Kinneir, Minifter at Carraill, That his kirk had not been vifited thir three years bygone, and that at this laft vifitation there he ufed not due order, in fo far as he confulted not with the Minifters and Elders touching things to be reformed, &c. : Nixt accused, that he had not vifited Stratherne, Menteith, Braidalbane the year bygone : Thirdly, that he had given the vicarage of Kilmanie to one that is no Minifter, nor hath any function within the Kirk, wherethrough the Minifter of the faid kirk planted by himfelf is frufrate thereof. Re-entering he answered to the firft, That he referred to the book of vifitation. The Affembly exhorted him to be more diligent in vifitation as he might conveniently ; which he promifed to doe.

Mr David Lindfay, Commiffioner of Kyle, Cariēt and Cunninghame, was accused for not putting order to certain enormities done to the kirk of Uchiltrie, and committed to him be the Affembly holden at Leith. He alledged for excuse the fhortnefs of time, and greatnefs of the fream. The Affembly required him to take order in the premisses how foon he might conveniently; which he promifed.

The Affembly appointeth Mr William Gardin, William Clark, James Carmichaell, John Inglis and George Scot, to conveen the morne at feven hours, to vifite the books of Superintendents and Commiffioners appointed to plant kirks, and to report again to the Affembly what diligence they find.

Seffio 2<sup>a</sup>.

The brethren conveened, remembring on the commiffion given to certain brethren in the Affembly, paft before, to conveen with the Regents Grace and Secret Counfell, to treat upon the heads which were to be proponed be his Grace and Counfell; as alfo fuch heads and articles as they had to propone in name of the Affembly: In refpect whereof, understanding that the faids brethren Commiffioners had already concluded upon fome heads with my Lord Regents Grace and Counfell forefaid, and had reported the fame to this Affembly, appointed the Archbishop of Sanct Andrews, Mrs John Knox, John Craig, John Row, Alexander Arbuthnet, James Wilkie, Patrick Adamfon, Gilbert Gairdin, William Clerk, Robert Montgomerie, William Chriftefone, David Fergusone, William Spence, George Leslie, George Scot, Mr John Rutherford, Patrick Kinninmouth, with the Superintendents of Fife, Mrs David Lindfay and Andrew Hay, Commiffioners before appointed, That they or eight of them conveen in Mr Knox houfe this day at two afternoon, and there confider and fight the faid articles and conclufions; and what therein they find agreeable to Gods word, and to the utility of the Kirk, to report the fame to the Affembly this night or the morne, that the faids conclufions may be inferit in the Register.

Sessio 3<sup>a</sup>.

In consideration that the countrey of Murrey is presently destitute of a Commiſſioner to viſite the Miniſters and plant kirks, all in one voice gave commiſſion to Mr John Keith, Perſoun of Duffus, to viſite Miniſters, plant kirks where none are, ſuſpend and depoſe as occaſion ſhall ſerve, conſerr benefices to qualified perſons, at the preſentations of the juſt patrons, viſite colledges and ſchools, &c.; and what he doeth in the pre-miſſes to report to the nixt Aſſembly.

Touching queſtions and complaints given or to be given in: The Aſſembly appointed Mr Andrew Hay, Commiſſioner of the Weſt, John Rutherford, John Craig, Alexander Arbuthnet, Robert Montgomerie, John Ure, William Clerk, to convene at two hours afternoon, read, conſider and give anſwers to the ſaids complaints and queſtions; and what they ſhall happen to find worthy to be regiſtered, to report the ſame for that effect.

Mrs Andrew Hay, John Row and Mr David Lindſay were continued Commiſſioners of Cliddifdaill, Galloway and Kyle till the nixt Aſſembly.

The ſame day Mr John Winrame Superintendent of Fife, of his own free will and for certain cauſes moving him, purlie and ſimpliciter dimitted the office of Superintendencie which he had within the Dioceſe of Sanct Andrews in the Aſſemblies hands, requeſting them moſt earneſtly to provide for another in his room, for the comfort of the Kirk, and viſiting the Miniſters within the foreſaids bounds. C.]

Anent the complaint givin in be Mr Johne Rutherford, Proveſt of St Salvators Colledge, againſt Mr John Wynrhame, Superintendent of Fyfe, for the wrangous diſponing of the Vicarage of the commoun kirk of Kilmanie pertaining to the ſaid Proveſt and his Collegues brether of the ſaid Colledge; as alſo for obtaining of the gift and giving of ane altarage in the ſame Colledge ſituat at St Johns altar, the gift quhairof the ſaid Mr Johne as Proveſt alledgit to have pertaint to him be vertue of foundation of the ſame, &c. as at lenth in the ſaid complaint was conteinit, Requeſtand the Kirk preſentlie conveyit to take ſick ordour in the premiſſes as godlineſ and equitie requireth, in ſick fort that the Colledge and brethren forſaids be not put to ſurfett and expenſſes in ſeiking remedy befor vther Judges. The Kirk having conſideratioun of thair complaint, thought meitt

to have inspekture of the foundatioun of the Colledge, and quhat the same conteinit anent the presentatioun and collatioun of the said Viccarage of Kilmanie; and, for that purpose, gave commissioun to thair brethren, Mrs Johne Row, Gilbert Gardein, William Christefone, Andro Hay and David Lindefay, to pass to St Salvators Colledge, consider and see the foundatioun thair of, and quhat they find concerning the said Viccarage of Kilmanie, and to quhom the presentatioun and collatioun thair of pertaineth; and quhat they happen to find, to report the same againe to the next Assemblie.

The saids brethren returneand reported quhat they had found in the said foundation; the tenour quherof followes in thir wordes.

Vicarie de Kilmanie electio et presentatio ordinaria facienda ad Dominum Prepositum, et ceteros de dicto Collegio graduatos debent pertinere. Qui quidem Vicarius omnia onera ordinaria subire tenetur. In fundatione Collegii Sancti Salvatoris, ita invenimus ad verba scriptum. Testantibus nostris chirographis subscriptis, et ex commissione ecclesie ad id muneris destinatis, 7 mensis Martii 1571. Gulielmus Christefone, Andreas Hay, David Lindefay, Joanes Row, Gilbertus Gardein.

In respect of the premisses, the Kirk ordainit to wryte ane letter to the [Lords Senators of the] Colledge of Justice, testifieing quhat they had found in the said foundatioun, anent the presentatioun and collatioun of the forsaid Viccarage of Kilmanie.

#### Sellio 4<sup>a</sup>.

[Anent the supplication presented to the Generall Assembly be Mr Patrick Adamson, bearing in effect, That where my Lord Regents Grace of good memory had granted him a pension of five hundred merks yearly, to be lifted up of the personage of Glasgow at two terms in the year, Martimes and Whitfunday, requested the Assembly to ratify, confirm and approve the said pension, and to desire the Procurators of the Kirk to assist him in this his cause, because, for his own part, he was willing to endeavour himself to the uttermost of his power to the service of the Ministry, according as it should please the Kirk to call him; and next, if it should happen him to obtain the said pension in the said Personage, he would not only be at the Kirks command to employ his labours, but also

would be content the said pension be at their pleasure, as any thing pertaining to the Kirk. The Assembly, in respect of the said Mr Patrick his reasonable sute and offer, most humbly requested my Lords Senators of the Colledge of Justice to minister justice in the said action of pension as their Lordships may Godly, that the said Mr Patrick may the more heartily enter in the function of the Ministry: And, in like manner, earnestly desireth the Advocats for the Kirk actions to assist the said Mr Patrick in the said action, and to doe their diligence for obtaining the end thereof, as if the sament pertained to the generall Kirk; and when the said pension shall be obtained with the execution thereof, the Assembly promised to ratify the same; alwise providing the said Mr Patrick travell in the Ministry as he shall be appointed in the Kirk; whereunto the said Mr Patrick agreed, and in sign thereof subscribed the said supplication.

Anent the question, Whither if Superintendents and Commissioners to plant kirks where benefices vaie within their Jurisdiction, which is at the Kirks gift, pleno jure, shall give the sament to any other then to such as serve for the time in the Ministry where they vaie, and that be advice of a certain number of Ministers next adjacent, to the effect that others get not the same. Answer. Refers this to the discretion of Superintendents and Commissioners of Countries where the benefice lyeth, Requesting them to have consideration of these that travell in the kirks, and that they be preferred to others, ceteris paribus.

Anent the question, Whither the Person or Vicar ought and should furnish bread and wine to the Communion: After long reasoning, C.] It is concludit, that the Person should furnish bread and wine to the Communion, unless the Vicarage exceed the sament of xl lb.; and in that case the Vicar to furnish the same in tyme coming.

[Anent the letter presented be some brethren to the University of Sanct Andrews, putting in remembrance how Mr John Douglas, Rector of the University, Provest of the new Colledge, when he was erected Bishop, promised to dimitt all the offices which might impede him to execute the office of a Bishop, and in speciall the said Rectorie and Provestrie, the Assembly was required to take order herein, that a Rector and Provest might be provided, &c. The Assembly for certain causes moving them continued the said Bishop in his office till the next Assembly; providing alwise he be diligent in visitation of his Kirk; and in the mean time a qualified man be

provided for the said Proveſtrie according to the foundation of the ſaid Colledge. C.]

The Kirk ordaines the Superintendent of Fyfe to uſe his awin Jurifdiction as of befor in the provinces not yet ſubieſt to the Archbiſhoprick of Sanct Androes ; and als requieſts him to concurre with the ſaid Archbiſhop, quhen he requyres him in his viſitatioun, or vtherwayes within his bounds, quhill the nixt Generall Affemblie ; and the Superintendent to have the ſtipend as of befor : and in lyke manner the Superintendents of Angus and Lowthiane [to continue in their Jurifdiction in manner foregoing] without prejudice of the ſaid Archbiſhop, except be vertue of his commiſſioun.

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A. D. M.D.LXXII.

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THE Generall Affemblie begun and haldin in the Tolbuith of Perth, the faxt day of Auguft 1572: In the quhilk were prefent the Erles, Lords, Barronis, Superintendents, Commiffioners to plant Kirks, Commiffioners of Provinces, Univerfities, and Minifters. Johne Erfkine of Dunne, Knyght, Superintendent of Angus and Mernes, was chofen Moderatour be the hail voice of the Affemblie.

Seffio 1<sup>a</sup>.

To the effect that obedience be given to the Moderator prefentlie and in all tymes heirafter, the hail brethren affemblit in ane voice statutes and ordaines, That na perfon, of quhat eftate that ever he be, take in hand to fpeake without licence askit and given be the Moderatour, and after licence obtainit, that the perfon fpeake and keip moderatioun in reafoning and anfuering, and els keip filence quhen he fall be commandit be the Moderatour, under the paine of removing out of the Affemblie, and not to re-enter therein dureing that conveying: and this to be a perpetuall act for all Affemblies heirafter.

[The Affembly findeth and declareth the Diocie of Sanct Andrews, wherefoever it lyeth, to pertain to the Bifhop of Sanct Andrews, and to no other Superintendent to vifite and plant kirks: Therefore the faid Bifhop answered, Becaufe the bounds are great, and he not able to doe his office in his own perfon, desired fome of the Godlieft and beft learned to concur

with him in taking order, how the whole Diocie may be ferved : And, for that purpofe, he defired to have the counfell of the brethren underwritten, to wit, John Arefkine of Dun, Knight, Superintendent of Angus and Merns, Mr John Spotfwood, Superintendent of Lothian, Mr Robert Pont, Mr Andrew Hay, Commiffioner of Cliddifdail, Mr John Craig, Minifter ; whereunto the whole Affembly agreed.

Mrs John Craig, William Chriftefon, Andrew Simpson, Robert Hamilton, John Duncanfon and James Dalrympell were appointed to vifite the books of the Bifhop of Sanct Andrews, the Superintendents and Commiffioners vifitation.

Touching the revifing of the heads and articles concluded at Leith in the moneth of January laft, betwixt my Lord Regents Grace, Secret Counfell and Commiffioners of the Kirk, the whole Affembly appointed the Superintendents of Angus and Fyfe, Mrs John Craig, John Row, William Chriftefon, David Fergufon, David Spence, John Rutherford, Patrick Kinninmouth, together with Mr Robert Pont, David Lindfay, Andrew Hay, and Mr William Lundie of that ilk, that they convene upon Friday nixt to come at fix hours in the morning in the Counfell houfe, and overfee and confider the faids conclufions, and what they find therein, either to be retained or altered, to report the fame again to the Affembly ; ordaining all and fundry brethren that have any reafon to alledge againft the faid conclufions, that they convene with the forefaids brethren the faid day or before, and fhew their opinion ; with certification, that thereafter they fhall not be heard thereanent.

#### Seffio 2<sup>a</sup>.

Anent my Lord Regents Graces fupplication for placing of Mr Robert Montgomerie in the town of Stirling, the Affembly willing to fatisfy my Lord Regents Grace and town of Stirling in that behalf, confented that Mr Robert be placed there ; alwife providing the act anent the removing of Minifters made the penult of July 1569, be obferved. Alwife becaufe it is fuppofed that the congregation of Dumblane hath no knowledge of the transporting of their Minifter, The Affembly ordaineth the Superintendent of Stratherne to warn the faid congregation before him, betwixt and the laft day of this infant, and hear their alledgance, wherefore the

faid Mr Robert should not be removed from them and placed in the faid town of Stirling. Moreover, the Affembly ordaineth, that if the faid Mr Robert be placed in Stirling, that the Collector of the West pay to him two hundreth merks, and the Collector of Strathierne ane hundreth merks for a year, till farder order be taken.

Anent the supplication of the town of Edinburgh touching the support of Ministers for their congregation presently destitute of preaching: The Affembly gave commiffion to the Superintendent of Lothian with fo many Ministers of the province as he should choofe, with advice alfo of Mr Knox and the Seflion of the Kirk of Edinburgh, to nominat and choofe any qualified Minifter, as they shall think expedient to be joined with Mr Knox, Minifter of the faid town; and whomsoever they shall happen to choofe, that the faid Superintendent charge him to enter in the Ministry of the faid town with all diligence, under the pain of difobedience to the Affembly.

The Affembly ordained Mr Patrick Adamfon to enter in the Ministry at Pasley at what time the Commiffioner of Cliddisdail shall charge him thereto; which the Affembly defireth to be done with all diligence, according to the faid Mr Patricks own promife.

The Affembly, for certain caufes, continueth all Commiffioners already appointed ftill in their offices while the nixt Affembly, at the which ordaineth them to be prefent, and bring with them their diligence in execution of their Commiffion.

### Seflio 3<sup>a</sup>.

Anent anfwering and concluding upon queftions and complaints: The Affembly appointed the brethren under written, to wit, Mrs Alexander Arbuthnet, James Melvill, James Carmichaell, George Scot, Alexander Jerdan, Andrew Simpfon, to meet at three hours after noon and give their anfwers, and report the fame to the Affembly.

The brethren appointed for revifing the heads and articles concluded in Leith, in January laft, with the Regents Grace and Secret Counfell, prefented to the Affembly a proteftation with their opinion, anent fome of the heads and conclufions, requiring the whole Affembly to adhere to the fame: The tenor whereof followeth. C.]

For fameikle as in the Assemlie of the Kirk haldin in Leith in January last, ther was certaine Commiſſioners appointed to travell with the Nobilitie and their Commiſſioners, to reaſon and conclude upon diuerſe articles then thocht good to be conſerritt upon: According to the quhilk commiſſion they have proceidit to diuers dyatts and conventions, and finallie concludit for that tyme upon the ſaids heids and articles, as the ſame produceit in this Aſſembly proportis. In the quhिल्s beand conſidderit and red are found certaine names, ſick as Archbiſchop, Deane, Archdeane, Chancellour, Chapter, quhिल्s names were found ſlanderous and offenſive to the ears of many of the brethren, appeirand to ſound to papiftrie: Therfor the haille Aſſembly in ane voyce, aſweill they that were in Commiſſion at Leith as uthers, ſolemlie proteſts, that they intend not be uſeing ſick names to ratifie, conſent and aggrie to any kynd of Papiftrie or ſuperſtition, and wiſhes rather the ſaids names to be changeit into uthers that are not ſlanderous or offenſive. And in lyke manner proteſts, that the ſaids heids and articles aggrieted upon be only receivit as ane interim, untill farder and more perſyte ordour be obtainit at the hands of the Kings Maieſties Regent and Nobilitie; for the quhilk they will preaſe as occaſion ſhall ſerve: Unto the quhilk proteſtation the haille Aſſembly preſently conuened in ane voyce adheres.

[Anent the names and titles of Archbiſhops, we think good that they that had the names of Archbiſhops heretofore, That hereafter in theſe things concerning the function of the Kirk, they ſhall uſe the name of Biſhop and not Archbiſhop. Toward the names of Chapter, Dean and Archdean and Chancellarie, we think it good, that becauſe thir names found to bring in ſuperſtition with them, and ſo offenſive to the ears of a great number of the Kirk; therefore deſire they may be changed in other names tending to the ſame purpoſe; ſuch as the Chapter be called the Biſhops aſſembly; the Dean, Moderator of the ſaid Aſſembly. As to the function of the Deans, Archdeacons and Chancellers, we think good, that ſome be appointed be this preſent Aſſembly, to try and give in their Judgment concerning the ſaid functions, how far they ſhall extend in particular; and alſo toward the function of the Abbots and Priors, and toward the interchanging of all their names in other names more agreeable to Gods word, and the policies of the beſt reformed Kirks; and they to report the ſame to the nixt Aſſembly, or elſe to the next Parliament, if any happen to be betwixt this and the nixt Aſſembly. And we think good,

that Commiſſioners be appointed be this preſent Aſſembly to await upon the Parliament, if it ſhall happen to be, or otherwiſe paſs to the Regents Grace and Secret Counſell for ſuch things as ſhall be given to thoſe in commiſſion: farther viſeing of the ſaids concluſions the ſaid brethren continued till farther opportunity, alwiſe adhering to the former profeſſation.

Mr Knox ſent the letter following to the Aſſembly.

Fight and faint not, for the battle is ſhort, and the victory  
with Jeſus Chriſt is rich and without end.

Albeit I have tain my leave not only of you, dear brethren, but alſo of the whole world and all worldly affairs; yet remaining in the fleſh I could not nor cannot ceaſe to admoniſh you of things, which I know to be moſt prejudiciall to the Kirk of Chriſt Jeſus within this realme. Above all things preſerve the Kirk from the bondage of the Univerſities. Perſuade them to rule themſelves peaceably, and order the ſchools in Chriſt; but ſubject never the pulpit to their Judgment, neither yet exempt them from your Jurisdiction. Take heed that nothing proceed, under your name, be particular factions. Farther I have communicated my mind with thir two dear brethren. Hear them, and doe as ye will anſwer before God, who preſently worketh potently, how blind that ever the world remaineth. Fight ye in the truth and for the liberty of the ſame, and be aſſured to triumph with Jeſus Chriſt: To whoſe mighty proteſtion I unfainedly commit you. Off Sanct Andrews, the 5 day of Auguſt, 1572.

With this letter, which was ſent be Mr John Winram, Superintendent of Fife, and Mr Robert Pont, were ſent thir articles following.

1. Firſt, Deſiring a new act to be made, ratifying all things concerning the King and his obedience that were enacted of before, without any change; and that the miniſters who have contraveened the former acts, be corrected as accordeth.

2. That ſute be made to the Regents Grace and Nobility maintaining the Kings cauſe, That whatſoever proceedeth in this treaty of peace, they be mindfull the Kirk be not prejudged thereby in any fort; and they ſpecially of the miniſtry, that have been robbed of their poſſeſſions within the

Kirk during the time of the troubles, or otherwise dung and injured, may be restored.

3. To fute at the Regent, That no gift of any Bishopricks or other benefice be given to any person contrar to the tenor of the Acts made in the time of the first Regent of good memory; and they that are given contrar the said Acts, or to any unqualified person, may be revoked and declared null be ane Act of Secret Counsell; and that all Bishopricks vacand may be presented, and qualified persons nominat thereunto, within a year after the vaiking thereof, according to the order taken in Leith be the Commissioners of the Nobility and of the Kirk in the moneth of January last; and, in speciall, to complean upon the giving of the Bishopricks of Rosse to Lord Methven.

4. That no pensions of benefices great or small be given be simple donation of my Lord Regent, without consent of the possessor of the said benefices having title thereto, and the admission of the Superintendent or Commissioner of the province where this benefice lyeth, or of the Bishops lawfully elected according to the said order taken at Leith; and desire ane act of Counsell to be made thereupon unto the nixt Parliament, wherein the same be specially inacted, with inhibition to the Lords of Session to give any letters or decreets upon such simple gifts of benefices or pensions, not being given in manner above rehearsed; and that the Kirk presently assembled declare all such gifts null, so far as lyeth in their power.

5. That the first form of presentation to benefices, which were in the first and second Regents time, be not changed as now it is commonly; but that this clause be contained in the presentations, That if the persons presented make not residence, or be slanderous, or found unworthy either in life or doctrine be the Judgment of the Kirk, (to the which alwise he shall be subjeet,) or meet to be transported to another room at the sight of the Kirk, that the said presentation and all that shall fall thereupon, shall be null and of no force nor effect; and this to have place also in the nomination of the Bishops.

6. That ane Act be made in this Assembly, That all things done in prejudice of the Kirks assumptions of the Thrids, either be Papists or others, in giving of fues, liferents or tacks, or any otherwise disposing the said assumed Thrids, be declared null, with a solemn protestation, The whole Kirk disassenteth thereto.

7. That ane Act be made, decerning and ordaining all Bishops admitted



be the order of the Kirk now received, to give account of their whole rents and intromission therewith once in the year, as the Kirk shall appoint for such causes as the Kirk may easily consider the same to be most expedient and necessar.

8. Anent the Jurisdiction of the Kirk, That the same be determined in this Assembly, because this article hath been long postponed.

9. To make sute to the Regent and Counsell for remedy against Meflengers and excommunicate persons.

10. Last, That order be taken anent the procurers of the Kirk, who procure against Ministers and Ministry, and for sitting of Justice of the Kirks actions in the fession.

Thir questions were also presented at this Assembly.

If a Bishop, being elected to a great Diocie, may be admitted beside that to the office of Rectory of ane University or Provest of a Colledge, or any other like charge, or to bruike any inferior benefice.

If controverfy rise upon Doctrine, before whom shall it be treated, where the Bishops are placed according to the order of the Kirk: Whether shall the Superintendents Jurisdiction expire or not.

If any Abbot may sett his whole Abbacie in prejudice of his successors and of the Ministry, for the half of the thing it payed before, or otherwise far within the availl.

Thir articles were read in the Assembly with the former letter. The Assembly wrote again ane answer to Mr Knox thus.

We have received your writting, (dear brother in the Lord Jesus,) together with certain articles and questions, the which we have read and diligently considered, and find the same both reasonable and Godly; and therefore we have taine like order as we could for the furtherance thereof, as thir our brethren bearers of this present will declare unto you, beseeching you to comfort yourself in the mercies of God through Jesus Christ. We think it not meet to trouble you presently with long letter, seeing our minds are all bent (as we believe) to sett forward the self same cause, which our God hath putt into our hands, to the advancement of his glory



and comfort of his Kirk through Jefus Chrift; to whose protection we committ you. Of Perth the 10 of Auguft 1572.

Your brethren and fellow members in Jefus Chrift,

MR JOHN WINRAME.

DAVID LINDSAY.

ROBERT PONT.

JOHN ROW.

BISHOP OF CATHNES.

JOHN ARESKINE.

JOHN SPOTSWOOD. C.]

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[Apnd Edinburgh tertio die mensis Octobris, anno Domini  
I<sup>co</sup> v<sup>c</sup> lxxij.

Forfamekle as be supplicatioun it is humblie menit and exposit to my Lord Regentis Grace and Lordis of the Kingis Maiesties Privie Counfall, be the Baronnis, Gentilmen and vtheris professouris of Christis Evangell, presentlie convenit in Edinburgh, That in respect of the grit murtheris, and mair then beifllie crewelteis, vlit and put in executioun in diuerse partis of Europe agains the trew Christianis within the same, proceidit no doubt out of that vnhappy, devillifhe and terrible Counfall of Trent, and intendit not only to be execute in foreyn cuntreis quhair ayther thair power or tressfoun may avale, but alsua intendit to be prosequute and folowit furth with the like or gretar creweltie (gif it war possible) aganis the trew Christianis heir in this realme of Scotland, and ower all quhair ellis quhair ever Christis Evangell is sincerlie professit, maist humblie requyring the apparent danger to be foirsene and providit for, willinglie offering thame selffis and all that thay haif to the furtherance of the same; quhairthrow the wickit interpryses and diuises of the malicious and bludy papistis

and childrene of this world (quhilkis in thair kynde ar mair bufy and sub-  
till nor the childrene of God) may with Godis help be preventit and re-  
fistit : My Lord Regentis Grace and Lordis foirfaidis, confidering the  
equitie and necessitie of the said supplicatioun, ordanis letters to be direct,  
chargeing all and findrie oure Souerane Lordis subiectis, professouris of  
Christis Evangell, of all the reformat kirkis within this realme, be oppin  
proclamatoun at the mercat croces of the heid burrowis of the same, in the  
parochie kirkis and vtheris places neidfull, That thay, and every particular  
kirk be thame selff, fend and direct thair Commisioneris sufficientlie author-  
izit ane or ma, according to the qualitie and quantitie of the personis and  
rowme, to the Burgh of Edinburgh, or quhair my Lord Regentis Grace  
salbe for the tyme, the twentie day of October instant, to consult, aduise  
and deliberat vpoun sic materis and overtures as may be proponit to my  
Lord Regentis Grace, and oure Souerane Lordis Privie Counfall foirfaid,  
tending to the preventing, refisting and mutuall defence of the professouris  
of Christis Evangell within this realme, fra the furious rage and lawlis  
creweltie of the bludy and tressonable papistis, executouris of the decreis of  
the said devillishe and terrible Counfall of Trent ; and in sic thingis fur-  
ther as may advance Godis glorie and trew religioun foirfaid, as everie re-  
format kirk will thairby declair thair ernist and christiane affectioun to the  
same, in sa present perrell and commoun danger : grantand alsua full li-  
bertie, licence, protectioun and assurance to all Commisioneris of kirkis,  
quhair evir thay dwell in ony partis of this realme, howsoeuir, in tyme by-  
gane, thay haue bene inobedient to his Hienes autoritie, That thay may  
faulstie and frelie hant and resort and cum to the day and place appointit,  
and thair remane during the tyme of the Conventioun to be kept for this  
purpose ; quhair alsua thay salbe admittit to haue frie speche and vote, and  
to returne at thair plesoure to thair dwelling places, without stop, trouble,  
arrest, searche or impediment to be maid to thame in bodyis or gudis, for  
the space of fyvetene dayis eftir the said twentie day of October, including  
alsua the tyme of thair travell preceding the said twentie day : Certifeing  
all sic as fall require particular licences and assurances for this effect, that,  
vpoun thair delyre, the same salbe grantit to thame ; commanding all our  
Souerane Lordis officiaris, liegis and subdittis, That nane of thame tak  
vpoun hand to violat this present licence, protectioun and assurance, under  
all hiest pane, charge and offence, that thay and euery ane of thame may  
commit and intrin aganis his Maiestie in that part. Reg. Sec. Conc.]

[The Heads and Articles which are to be proponed in the name of the Ministers, Barons, and Commissioners of Kirks, to the Regents Grace, Nobility and Counsell.

The Assemblie of the Kirk convenit at Edinburgh, the 20 of October 1572, according to the Proclamatioun, First, hes thocht expedient in sa far as this present Conventioun is institute to provyd remeid aganis the tressonable erweltie of the papistis, and to resist the samyne, to mitigat the wrath and indignatioun of God, quhairby thaj ar fleirit vp aganis ws for our sinnis, Thair falbe ane publict humiliatioun of all thame that feiris God and professis his trew religioun, with publict prayer and fasting throchout this haill realme, to begin the xxij day of Nouember nixt to cum, and to end the last day of the said moneth : And to the effect, that thaj quha ar notorious offendaris and publick slanderers of the Kirk may be brocht to amendment of lyff, or els be excludit furth of the Societie of the faithfull, It is thocht expedient, that betuixt this and the xxij day of Nouember, in all provincis and parochie kirks quhair the ordour of discipline is, the Superintendants, Commissioners of cuntries, Ministaris and Eldaris, fall call befor thame at appointit dayes all notorious offendaris within thair jurisdictionis, sic as murthoreris and assistaris of murthoreris, adulteraris, furnicatouris, roberis of the patrimonie of the Kirk, or vther menis possessionis, and siclyk vtheris criminal personis in all estaitts, beginand at the Ministerie and Nobilitie, and sa proceeding to all vtheris, that wickitnes and such hynous crymes that offendis the majestie of God, may be purgit furth of this cuntrie. And speciallie, that it may be knowin that Ministaris quha aucht be good exempel, alswieill be doctrine as lyff, to provok vtheris to godlie conversatioun, be not exemit, bot rather first tryit, it is thocht necessar, that all Superintendants and Commissionaris of cuntries tak diligent inquisition of the lyfe of all Ministaris, Exhortaris and Reidaris, and quhat faltis falbe fund, seveir correcciōne to follow thairvpon, according to the natur of the cryme. And in caice Ministaris sould appear to conceall thair awin imperfectionis, that all men be requyrit to declair to the Superintendants and the Commissionaris the vyces that thaj knaw to be in thame : And in lykwayes, becaus in the reformatioun of the Nobilitie consistis the chieff exampill of the haill cuntrie, we crave nocht onlie a general reformatioun of such imperfectionis as ar in

thame, but als that fuch vycis as in particular falbe gevin in to thame be amendit ; sic as that thaj be reformat in the wrangous vſing of the patri-  
monie of the Kirk, applying the ſame to their particular vſe, to the great hurt of the Miniſterie, the Scullis and Poore : And that the Commonis may be eaſed be thame, baith in paying of their teinds and vtheris dewties, in reſpect of thair great pouertie ; and that thaj may amend thair great negligence in tymes paſt in puneilling of vyces, throchout this hail realme, ſiclyk as inceſt, adulterie, bloodſhedding, and forcerie, &c. ; and that thair may be notabill perſonis deput with commiſſions for that effect to execute the ſame ; and that ſic as haue reſſaut commiſſion alreadie, to be chargit to proceed thairin : And that the aëtis of Parliament and Counſaillis maid aganis the brekaris of the Sabbath day may be likewise execute. Onto the quhilk heids contenit in this article we deſyre my Lord Regents Grace and Counſell to aggree, and to authoriſe the ſame.

Secundlie, As concernyng the papiftis that be in this cuntrie zit remanyng, That thaj without all exceptionis of perſonis, grit or finall, falbe chargit alſueill be the Counſall as Miniſterie, to compeir at certane dayes, as falbe appoyntit, before ſuch as the Kirk and Counſell ſhall appoint to giue confeſſioun of thair faith, according to the aëtis of Parliament ; and ſuch as have nocht recantit, to mak thair publiè recantationis ; and thaj that are excommunicat for that caus, to vnderly ſic injunctiouns as falbe laid to thair charge ; and gif any of thame failzie heirin, their hail guids and geir to be conſiſcat, and thame ſelfis baniſt off the cuntrie ; and thaj that ar beneficed perſonis, thair benefices to vaik, and to be diſponit to qualiſeit perſonis ; and if thaj (being decernit to be baniſt) be fundin heirefter in the cuntrie, it falbe leſum to all the ſubjectis in this realme to invalid thame and euerie ane of thame to the deith, as enemies to God, the King, the Kirk, and the commoun weill of the realme ; and that ſic as be convièct be the law alreadie, or may be convièct, be execute with all rigour ; and all vtheris that be excommunicat for any vther cryme or offence, falbe callit lykwayes to particular dyatis, to ſatiſſie the Kirk, or els to incure the lyk panis and puniſment as is befor ſpecificit ; and that thaj that reſetts and mantenis thame, if after due admonition they deſiſt not from their company, falbe haldin partakaris with thame, and be comptit in the rank of papiftis, to be puniſt in ſemblable maner.

And forder, we deſyre that the Aët of Parliament be put to execu-

tioun, That nane be admittit to publict offices of Counfall, Sessioun, or vtherwayis, that ar knawin to be papistis, or mantenearis or fauoraris of papistis: Also, becaus thair is Mefs said in certane places of this cuntrie, as in auld Abirdene, Dunkeld, Paillay, Eglingtonne, That thair be a speciall day assignit to assemble all the professouris of the religioun in places nixt adjacent to the boundis quhair the said Mellis ar vfit, for apprehending of the Mefs sayaris; and also the heiraris to vnderly the law: Lykwayes, incaifs this present diuifioun tak sum aggrement and concord, That nane be comprehendit thairin bot sic as salbe obleift for the maintenance of the religioun aganis the enemies thair of: Attour, That all such personis, as haue (sen the Reformatioun began) socht from the Paip billis or benefices, salbe haldin as papistis, and pvnist thairfoir, conforme to the act of Parliament; and that all professouris of the religioun having benefices, and able to preitch, may be chargit to do thair office, seing that it is not ressonable that thaj tak vp the leiving, and remayne ydill.

Thirdly, For resisting of the papistis of forane cuntries, alswell within as without, that my Lord Regents Grace and Nobilitie fall caus such ordour, That ane League and Confederacie be maid with our nychtbouris of Ingland, and vther cuntries reformat and professing the trew religioun, that we and thaj be joynit togidder in mutuall amitie and societie, to support euerie ane vther, quhensoeuer tyme or occasioun fall serue for maintenance of religioun, and resisting of the enemies thair of: Lykas, That ane solempnit band and aith may be maid be all thame that be professouris of the Evangell within this realme, to joine thamefelffis togidder, and be reddie at all occasiouns for resisting the enemies foirfaids: And gif any beis fund negligent thairin, he salbe haldin for ane false broder, and excommunicatioun to proceed aganis him. Pollock M.S. & C.]

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A. D. M.D.LXXII.

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THE Generall Affemblye haldin in the Counsell hous of Edinburgh, the 6 day of Marche 1572: In the quhilk were present Barrons, Superintendents, James, Bischop of St Androes, Commissioners to plant Kirks, Ministers, Commissioners of Provinces, Townes, Kirks, Univerfities. David Fergusone, Moderatour.

Sessio 1<sup>a</sup>.

[In the trial of Superintendents and Commissioners to plant Kirks, John Brand Minister of Halyruthhouse compleaned, That the Bishop of Sanct Andrews admitted a Popish Priest called Sir John Forret, to minister the Sacrament of Baptisme in the Merce in Swinton, to whom the Superintendent of Lothian had of before given certain injunctions which the said Priest had not yet fulfilled. It was generally compleaned, That he had not visite the Kirks within the bounds of Fife this half year bygane; and also for not preaching since he was a Bishop. To the first he answered, That the foresaid Priest recanted all Papistrie in the Kirk of Sanct Andrews; and thereafter he admitted him to administer the Sacrament of Baptisme. The Assembly ordained the said Popish Priest to repair to the Superintendent of Lothian to receive his injunctions; and in the mean time to be discharged of all office and function in the Kirk. To the second he answered, That he preached in every Kirk which he visite be himself at all times, but excuses his not visitation since the last Assembly be reason of his sickness.



The Superintendent of Angus and Mernes was accused, for not making exhortation at the beginning of this Assembly according to the order. He excused himself be reason of the Sermon made in the Kirk, ended immediately before, and the advice of some brethren, who thought it not needfull, yet submitted himself to the correction of the Assembly.

Mr George Hay, Commissioner of Aberdeen, was compleaned upon, That he had one benefice in the North, another in the South, and was also Commissioner to plant kirks, of the which charges he could not sufficiently discharge himself. He answered, That he served the cure in the North be himself, and hath provided one who sufficiently will discharge the cure in the benefice in the South; as to the Commissionarie, He is content to demitt the same presently, if the Assembly think it good.

Mr David Lindsay, Commissioner of Kyle, Cariet and Cuninghame, was compleaned upon, That he left his congregation destitute, the time that he visited the west country. He answered, That the Kirk was sufficiently provided the time of his visitation: To the Commissionarie, He is content to be discharged thereof as the Assembly thinketh meet.

Mr John Row, Commissioner of Galloway, was compleaned upon, That he had plurality of benefices, but they knew not how the Kirks were provided of preaching. He answered, That he had two Vicarages, but reapeth no profite of them; and withall desired to be disburthened of the Commissionarie of Galloway. C.]

Item, Master Johne Row complainit upon for solemnizing the band of matrimonie betuixt the Master of Craufurd and the Lord Drummonds Daughter without proclamatioun of bands, and, in lyke manner, out of dew tyme, viz. on a Thursday at afternoon prayers, answert, That he did nothing bot the command of the Sessioun of his Kirk and my Lord Ruthven, and speciall ane of the elders of the said Kirk.

The Kirk presently assembled ordaines the Act made against Ministers that marries vther parochiners without proclamation of bands, to have effect and strenth agains Mr John Row, [for solemnizing of the foresaid marriage, and] to vnderly the samein dureing the Kirks will.

[The Assembly ordained all Superintendents and Commissioners to plant kirks, to give in their diligence of their visitations; and appointed Mr William Clerk, Minister of Anstruther, Mr Archibald Keith, Minister of Peterhead, George Scot, Minister of Kirkaldie, James Anderfone, Minister of Beduchie, John Dykes, Minister of Culros, Robert Fairlie of Braid,



Patrick Kynninmouth, to convene before the end of the Assembly; and what they find in the same diligences to report to the Assembly.

The whole brethren assembled in one voice gave their full commission and power to their brethren underwritten, viz. John Bishop of Sanct Andrews, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winram, Superintendent of Stratherne, Mr Robert Pont, one of the Senators of our Sovereign Lords Session, Mr John Row, Mr David Lindsay, Robert Fairlie of Braid, Adam Fullerton, one of the Commissioners of Edinburgh, to concur with the Lord Regents Grace and Counsell, or with so many as his Grace shall appoint, to reason with them of such heads and articles as shall be proposed be my Lord Regents Grace and Counsell, or be the Assembly to his Grace, and to conclude thereupon, according to the instructions given to them be the Assembly, and to report their conclusions before the end of this Assembly. C.]

The Kirk assembled, for certaine good considerations moving them, statutes and ordaines, That no collections for the pure be made in the tyme of the ministratioun of the tabill of the Lord Jesus, nor yet in the tyme of the fermouns, heirafter within kirks, bot only at the kirk doores.

#### Session 2<sup>a</sup>

[The Assembly, for certain causes moving them, continued in the office of Commissionarie to plant kirks, till the next Generall Assembly, the persons underwritten, Mr George Hay for Aberdeen, Mr Donald Monro for Ross, Mr David Lindsay for Kyle, Carict and Cunninghame, Mr John Row for Nithisdail and Galloway, Mr Andrew Hay for Cliddisdail, Ranfrew and Lennox.

The Assembly appointeth the Superintendent of Strathierne, Mr Robert Pont, one of the Senators of our Sovereign Lords Colledge of Justice, Mr John Row, Mr Andrew Hay, and John Johnstone, one of the Commissioners of Edinburgh, to convene the morne at two hours afternoon, to pen the heads and articles to be presented to my Lord Regents Grace and Secret Counsell, &c.; that thereafter they may be read, &c.

Sessio 3<sup>a</sup>.

Forfamikle as it is thought that diverse Ministers and other persons that have received benefices since the Reformation, make no residence at their kirks, nor yet discharge their office according to the tenor of their admissions, for the reformation hereof, C.] The Kirk assemblit statutes and ordaines all Ministers and vther beneficit persons that hes receivit benefices since the Reformation, to make residence at the kirks quher their benefices lyes, and vse their office according to the tenour of their admiffioun; and if any beis found to doe in the contrair, that they be callit to particular dyatts befor the Superintendents or Commissioners of the provinces quher sick benefices are, to quhom the Kirk gives power to depose the saids persons in their visitations, for none residence; and quhatevir anie of the saids Superintendents or Commissioners happins to doe in the premisses, to report to the nixt Assemblie.

[The Regent sent to the Assemblie the request following for Mr Knoxes Wife and Children.

Reverend fathers, trustie and well belovits, We greet you heartily well: Seing John Knox, Minister of the word of God, is now departed this life, after his long and faithfull travells in the Kirk, leaving behind him Margret Steuart his reliēt, and his three daughters begotten of her, unprovided for; and seing his deserts merit to be favourably remembred in the help of his posterity, We will, effectuously require, and pray you, to give and conferr to the said Margret reliēt and three daughters foresaids the pension which the said unquhill John had of the Kirk in his time, for the nixt year after his decease, viz. of the year of God 1573 years, to their education and support, extending to five hundreth merks money, two chalders of wheat, six chalders bear, four chalders oats, to be lifted for that year out of the famine assignations and places that he had it of in his time; wherein we doubt not but ye shall doe a work acceptable to God; and We will also receive it in thankfull and good pleasure: Thus we committ you to God. At Edinburgh the 26 day of November 1572, Your assured friend,  
JAMES REGENT. C.]

The Affembly remembring the long and fruētfull travells made in the Kirk of God be vmquihle John Knox, Minister of Edinburgh, lately departed in the mercy of God, leaving behind him Margret Stewart his reliēt and his three daughters gotten on her unprovided for, and seing his long travells and deserts merites to be favourable remembrtit in his posteritie, being also required most earnestly thereto be my Lord Regents Grace, as his letters direct thereupon bear, have granted and consented to give, and be the tenor hereof grants, gives, consents and dispones to the said Margret reliēt, and her three daughters of the said vmquihle John, the pension which he himself had in his time of the Kirk, and that for the geir nixt approachand and following his deceis, viz. of the geir of God 1573 geiris, to their educatioun and support, extending to five hundreth marks money, tua chalder wheit, fax chalder beir, four chalder aittis, to be uplifted for that year allanerly out of the famine assignations and places that he had it in his time; and therefore requires, and in the name of God desires, the Lords of Counsell and Session to grant and give letters, at the instance of the said reliēt and bairns of the said unquihill John Knox, to cause them be answered, obeyed and payed of the said pension of the year forsaidd, in the same form, and better if need be, as was granted to himself in his time. C. & B.]

[Richard Bannatyne Servitor to unquhill Mr Knox presented the supplication following.

Unto your Wifdoms humbly means and shews I your Servitor Richard Bannatyne servant to your unquhill most dearest brother [John Knox] of worthy memory, That where it is not unknowen to your Wifdoms that he left to the Kirk and town of Edinburgh his history, containing in effect the beginning and progres of Christs true religion, now of Gods great mercy established in this realme, wherein he hath continued and perfectly ended at the year of God 1564; so that of things done senfyne nothing be him is putt in that form and order, as he hath done the former; yet not theless there are certain scrolls, papers and minutes of things, left to me be him to use at my pleasure, whereof a part were written and subscribed with his own hand, and another be mine at his command, which, if they were collected and gathered together, would make sufficient declaration of the principall things that have occurred, since the ending of his former history

at the year forfald, and fo ſhould ſerve for ſtuff and matter to any of underſtanding and ability in that kind of exerciſe, that would apply themſelves to make a hiſtory even to the day of his death: But forſamikle as the ſaids ſcrolls are ſo untacked and mixed together, that if they ſhould come in any hands not uſed nor accuſtomed with the ſame, as I have been, ſhould altogether loſe and periſh; and ſeing alſo I am not able, upon my own coſts and expences, to apply myſelf and ſpend my time to putt them in order, which would conſume a very long time; much leſs am I able to write them, and put them in Register as they require to be, without your Wiſdoms make ſome proviſion for the ſame; wherefore I moſt humbly requeſt your Wiſdoms that I may have ſome reaſonable penſion appointed to me be your Wiſdoms diſcretion, that thereby I may be more able to awaite and attend upon the ſamine, leaſt that theſe things done be that Servant of God, who was dear unto you all, ſhould periſh and decay, which they ſhall doe indeed, if they be not putt in Register, which I will doe willingly, if your Wiſdoms would provide as ſaid is. And your Wiſdoms answer, &c. C.]

The Kirk [accepted the ſaid Richards offer, and] requeſtit the Kirk of Edinburgh to provide and appoint ſome learnit men to ſupport Richard Bannatyne to put John Knox Hiſtory, that now is in ſcrollis and papers, in good forme [with aid of the ſaid Richard]; and, becauſe he is not abill to awaite therupon upon his awin expenſis, appoints to him the ſowne of xl lb. to be payit off the lxxij zeirs crop, [be the collectors underwritten, viz. the Collector of Lothian, Fife, Angus, and the Weſt, Galloway and Murrey, and every one of them to pay fix pound thritteen ſhilling four pennies off the ſaid crop; and it ſhall be allowed to them at compt, bringing the ſaid Richards acquittance thereupon.

#### Selfio 4<sup>a</sup>.

For the more heaſtie diſpatching of complaints, requeſts and queſtions, were appointed the brethren underwritten, viz. William Chriſteſone, Miniſter of Dundie, Mr James Balfour, Miniſter of Guthrie, Mr Robert Hammilton of Sanct Andrews, Mr John Young of Irving, Mr William Clerk of Anſtruther, Mr James Greg of Commonell and David Ramſay of Cleiſh, Miniſters reſpectivé, to convene inſtantly in any place where

they please, and read the saids complaints, requests and questions, and give answer to the famine ; and what they find difficult, to send it again to the whole Assembly.

Sessio 5<sup>a</sup>.

The Assembly ordaineth every Superintendent and Commissioner to plant kirks, That they appoint Ministers, exhorters and readers to moe kirks then one according to the necessity of congregations and rarity of Ministers, as the Superintendents and Commissioners forsaids shall think meet and convenient, as they will answer to the complaints of the congregations, which hereafter shall have just cause to lament to the Generall Assembly.

Sessio 6<sup>a</sup>.

The Session of the Kirk of Edinburgh requested the Assembly to appoint one of the Ministers underwritten to be joined with Mr James Lowson already placed, to wit, David Fergusone, John Braid, George Scot, now Ministers of Dumfermline, Halyrudhouse and Kirkaldie. The Assembly giveth commission to their loving brethren, John Bishop of Sanct Andrews, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Spotswood, Superintendent of Lothian, Mr John Winrame, Superintendent of Stratherne, with advice of the Session of the Kirk of Edinburgh, to choose one of the forenamed, or otherwise satisfy the desire of the said Kirk of Edinburgh : and sikklike another for the Kirk of Jedburgh ; and whomsoever they shall happen to choose, the Assembly shall cause him enter, and this to be done before they depart out of this town.

The Assembly, for certain causes moving them, discharge Alexander called Bishop of Galloway to use any function within the Kirk of God, till they be farther advised ; and ordaineth Mr John Row, Commissioner of Galloway, to summon the said Alexander, To compare before the next Generall Assembly to answer to such things as shall be laid to his charge, under the pain of Excommunication, &c.

The Assembly ordaineth the Superintendent of Strathern to pass to

Sanct Johnstoun and take order with Mr John Row and the Session of that Kirk, for the Solemnizing of the marriage betwixt the Master of Crauford and the Lord Drummonds daughter ; and to report the order he shall happen to take therein to the next General Assembly. C.]

Ordains all and fundrie Superintendents and Commissioners to plant kirks, To proceed summarlie to excommunication against all Papists within their provinces, and that within eight dayes after they be admonishit to joyne themselves to the religion presentlie establishit within this realme, be hearing of the word of God, participating of the sacraments, subscribe and give their aith according to the Act of Parliament, and Acts aggrievit on betwixt my Lord Regents Grace and Secreit Counsell and the Kirk, [and if any shall refuse to proceed, &c. P.]

[Forasmikle as my Lord Regent desires to see the Acts of the Generall Assembly heretofore holden, and to see how many of them be perpetuall, and how many temporall, the Assembly agreeth therewith, and for that purpose appointeth their brethren, Mr John Spotswood, Superintendent of Lothian, Mr Robert Pont, one of the Senators of our Sovereign Lords Colledge of Justice, Mr David Lindsay, Mr James Lowson, Mr Clement Little, Advocate, and John Brand, Ministers of Leith, Edinburgh and Halyrudhouse respectivé, to convene with my Lord Regents Grace and Secreit Counsell, to oversee the Acts of the General Assembly according to my Lord Regents Graces desire.

The Assembly ordaineth my Lord Argiles process against Jean Stewart his spouse, to be considered and lighted be the Session of the Kirk of Halyrudhouse, with advice of the Superintendent of Lothian ; and if it be sufficiently and lawfully proceeded, that the said Superintendent direct his letters to the Minister of Halyrudhouse, charging him to proceed to excommunication against her, and that the said excommunication be published in the kirks of Edinburgh and Leith be the Ministers of the saids kirks.

Anent the difficulty of the question of divorcement betwixt my Lord Argile and Jean Stewart his spouse, the Assembly appointed Mr Robert Pont, one of the Senators of our Sovereign Lords College of Justice and Minister of Gods word, Mr David Lindsay of Leith, Mr James Lowson of Edinburgh, Mr Clement Little, Advocate, and Alexander Arbutnet, Principall of the Colledge of Aberdeen, Mr John Row, Minister of Perth, Mr John Craig, Minister of Gods word, Mr Robert Hamilton, Minister of Sanct Andrews, that they or any five of them convene with such persons as my



Lord Argile shall appoint to reason the said question of divorcement, and that the said brethren convene the next day after the dissolving of this Assembly: and the question being reasoned and brought to ane head wherein doubt standeth, wherein the said brethren cannot then instantly give resolute answer, that the same head be penned in proper terms, which my said Lord shall send to such reformed Kirks as shall be named be the forsaid brethren, upon his Lordships own expenses; whose resolution being authentically obtained, the Assembly promifeth to give to his Lordship their declaration conforme thereto.

### Selfio 7<sup>a</sup>.

Forfamikle as sundry Superintendents and Commissioners to plant kirks, come not to the Assembly the first day, wherethrough sundry matters are undone, which might be sped and dispatched; and also other some depart before the dissolving of the same, wherethrough sundry matters are unresolved for laike of sufficient number: For eschewing of the premises and for estabbling of better order in time to come, C.] It is statute and ordainit be univerfall ordour of this Assemblie, That all Bishops, Superintendents and Commissioners to plant kirks present themselves in every Generall Assembly that heirafter fall be haldin, the first day of the Assemblie before noone; and that they remaine quhill the end of the same, under the paine of the tinfell of ane halfe of their stipend for ane zeir, and notwithstanding to serve in the mean tyme of the wanting of the said portion of the stipend.

[Anent the hearing of the collectors compts at the Chekker, at what time my Lord Regents Grace shall appoint the same to begin, The Assembly appointeth John Bishop of Sanct Andrews, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Spotswood, Superintendent of Lothian, Mr John Winrame of Stratherne, Mr John Row, Commissioner of Galloway, Mr Andrew Hay Commissioner of the West, Mr George Hay Commissioner of Aberdeen, Mr David Lindfay, Commissioner of Kyle, Carict and Cunninghame, Mr Donald Monro of Ross, Mr Robert Pont of Murrey, Commissioners respectivé, to convene the said time to be appointed as said is, to hear the saids collectors compts, with the rest of the Lords of our Sovereign Lords Chekker, allow and approve, or dis-



allow according to their wisdom and conscience, and after the said compts shall be made, to subscribe the same according to the order taken, &c.

Touching the complaint given in be Mr Robert Scot against Mr John Winrame, Superintendent of Stratherne, for refusing to give him his letters testimonials of the Vicarage of Strathmiglo, and for not admitting him to be reader in the said kirk, conform to my Lord Regents Graces presentation, The Assembly findeth the said superintendent to have done wrong, in refusing the said letters testimonials conform to the presentation forsaid, and giveth full power and commission to the Ministers, elders and deacons of the congregation of Sanct Andrews, to take cognition, decide and conclude upon the whole rest of the said Roberts complaints yet undecided, vocatis ad hæc quorum interest, and is to be done betwixt this and the next General Assembly; and to report their proceedings to the same, as in the former Act. C.]

Anent my Lord Regents Graces desyre touching [the placing] of some of the learnit Ministers to be Senatours in the Colledge of Justice, The baill Kirk presentlie assemblit having at length reasonit, Whether a Minister were able to discharge himselfe of both the vocations, votit throughout, That nane was able or apt to beare the saids twa charges, and therfor inhibits that any Minister occupying the vocation of the Ministerie take upon him to be a Senatour; Mr Robert Pont only excepted, who is already placit with [advice and] consent of the Kirk.

[John Areskine of Dun, Knight, Superintendent of Angus and Mernes, in respect the whole Diocie of Sanct Andrews is decerned be the Assembly to pertain to the Bishop of the same, protested, That he be no more burthened with any visitation in these bounds pertaining to the said Bishoprick; and in like manner, pertaining to the bounds within the Bishoprick of Dunkeld, how soon any Bishop shall be provided thereto.

In like manner, Mr John Spotswood, Superintendent of Lothian, protested, ut supra.

The Assembly referred to the Commissioners appointed to reason with my Lord Regents Grace and Secret Counsell, to take order anent these protestations with his Grace and Counsell, and what they doe, to report to the next Assembly.

Ordaineth the Commissioners already appointed to conferr with my Lord Regents Grace and Secret Counsell, to continue in commission before given, and it to stand in the same force and effect as is contained therein; and

moreover to conferr with the Lords of Articles of Parliament, if any shall be holden in the meane time, till the nixt Generall Asseembly; and to report then the heads concluded on be them, to the effect that they may be infert in the Register among the rest of the Acts.

Item giveth commission to the forsaide Commissioners to choose a collector for the province of Aberdeen, with advice of the Ministers of the said province; which advice and opinion the Asseembly ordains the saids Ministers to send to the forsaide Commissioners betwixt and the 24 of Aprile nixt to come.

The brethren appointed to decide questions and complaints reported the famine answered. C.]

[Articles and conditions presented be the Superintendent of Lowthiane and Ministers within his Jurisdiction, penned and subscribed be them in their Synodall Convention holden at Edinburgh, the 6 day of October: The tenor whereof followeth.

In primis, The brethren of the forsaide Convention craved, That a copie of the Acts of the Generall Asseembly be given to every Exercise, to the end that every Minister may have knowledge what order to observe in their proceedings, for it is most certain, that through ignorance of the fore-saids acts many faults are committed which otherwise would not be done.

Secondly, It is craved be the brethren, That sick matters as falls out betuixt the Synodall Conventiouns and Generall Asseemblyes salbe headed and notit at every Exercise, 20 dayes befor the Generall Asseembly, that the brethren may be ripely advised with the famine, where through many things may be ended, which through laike of advisement suffer delay from Asseembly to Asseembly; at the which time it is craved, that the brethren have their places in voting, and that no brethren be defrauded thereof, That the weighty matters of the Kirk be not concluded be a few, as often times they are without knowledge or consent of the brethren. C.& B.]

Thirdly, That sick matters as are referrit to the Generall Asseembly be the Particular, be pennit be the Superintendents Clerk, and faithfully reported to the Generall Asseembly be the said Superintendent.

Fourthly, That the Generall Asseembly be frequent with the Nobilitie and Barronis, as weill as Ministers, that the face of the Asseembly may be had in reverence as in foir tymes.

[Fiftly, It is required, That the whole rents, as well victualls as of money within the Collectorie of Lothian, be made known to all the brethren in these bounds, what is received thereof, and how it is disposed; and for this purpose, that the brethren of all parts be chosen at the Synodall convention to hear the collectors compts, as well of the refts of the former collector, as also since his own entry: Also, That the injunctions given to the collector may be read every Synodall convention, and triane how they are obeyed, but specially concerning the assignation of victualls to Ministers on the Kirks process; and that the collector according to the liberty granted to every Synodall convention may be alone discharged.

Sixtly, That the collectors officers charge for repairing of Kirks.

Seventhly, That all ministers may have assignation of their stipends.

Eightly, That the extracts of the Superintendents office registred in the Book of Discipline, may be given to the Minister of every province, to the end that the Superintendents may be tryed thereby, and as that they are found dilligent, to be continued or changed.

Nintly, That the procurators of the Kirk may be examined, Why they are so slack and negligent in the Kirks matters. C.]

Tently, That sick Ministers as hes not quherwith to buy bookes, may have bookes lousit to them be the collectour, and to allow the pryces thereof in their stipends.

[The Articles were subscribed as followeth,

William Harlaw,	Andrew Simfone,	Matthew Liddell,
Mr Adam Letham,	Mr William Strang,	Thomas Lichton,
Patrick Gilespie,	William Knox,	Mr George Ramfay,
David Hume,	John Spotswood,	Michael Bonkle,
Mr Walter Ballingall,	David Lindfay,	Andrew Simfone,
William Lamb,	Adam Johnstone,	John Clapperton,
Mr Thomas Makgie,	Thomas Daill,	Mr James Carmichall,
Richard Fleming,	George Thomfone,	William Sanderfon.

The Kirk approves and ratifies all the forsaide articles as necessar and profitable. C.]

Questio. It is asked if it be not very good and necessary for the Kirk, That Bishops, Superintendents and Commissioners purchase generall letters without delay, commanding all men to frequent preaching and prayers, according to the ordour receivt in their congregations; and also to charge the Magistrate to put the acts concerning the observance thereof, as weill grantit be Parliament, as frielie with uniform consent the congregations hes condescendit vpon, and for execution of discipline and punishing of vyces; and the famine to be putt in full execution and practice. Answer. It is thought most reasonable and expedient; and burtheneth Bishops, Superintendents and Commissioners to purchase generall letters without delay to the same effect. C. & B.]

[Q. What order shall be taken with them, that being admonished and making publick repentance for adultery, falleth again in the same crime. A. Refer to the Act of Parliament. C.]

[Q. If any man leave his wyfe and passe out of the countrey, and taries away the space of sevin yeirs, and marries another woman in a strange country; and else his first wyfe be married upon another man in his absence, Whither is the woman that marrieth before the returning of her husband guilty of adultery. A. Both are adulterers, unless the sentence of divorcement had bein pronouncit be the Judge. C. & B.]

[Q. Whither it be necessary, That the names of excommunicants be published in all the reformed Kirks of that province and diocie where the excommunicants dwell, that no man pretend ignorance, and so haunt their company through ignorance. A. Refers to the acts of the Kirk made already thereanent.

Q. Whither be the word of God in New and Old Testament it is lawful, That the two charges of function, to wit, the speciall administration of the Word and Sacraments, and the ministration of the Criminall and the Civill Justice in Judgement, be confounded, so that one person may occupy both cures. C.] A. It is neither aggrievable to the word of God nor to the practise of the primitive Kirk, That the speciall administration of the Word and Sacraments, and the ministration of the Criminall and Civill Justice be so confoundit, that one person may occupy both the cures.

[Whither it be leaſom be the word of God and good order received, That ſuch as are promoted to the ſacred vocation of the Miniſtry may leave the vocation, no fault or impediment lawfull being in them. A. Refers to the anſwer already given be the Generall Affembly, as the act thereanent propoerts.

Q. Whither if a Miniſter having hundreth merks or hundreth pounds of benefice, ſhould have his ſtipend augmented or not. A. The Ordinar ought herein to take order according to his ability that requireth the benefice.

Q. What ſhall be done to the Miniſter that is provided to a benefice and will not perſhew the ſamene, but loſeth it for fault of perſute. A. Caveat Emptor.

Q. Whither if ane Abbot, Prior, or other beneficed man may ſet the aſſumed thrid of his benefice in few, or long tacks, or not. A. Refers to the acts of the Generall Affembly.

Q. In reſpect of the act of Parliament and ordinance craving every Miniſters reſidence ; the Miniſter and reader both making reſidence at one kirk, having but one gleeb, Whither ſhall the Miniſter or reader be eaſed with the gleeb. A. The Affembly thinks, that the Superintendent ſhould take ſuch order, as that the Miniſters be eaſed in ſpeciall. C.]

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A. D. M.D.LXXIII.

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THE Generall Assemblie begun and haldin [in the Tolbooth] at Edinburgh the 6 day of August 1573 : In the quhilk were present the Erles, Lords, Barrons, Bilchops, Superintendents, Commiſſioners to plant kirks, Commiſſioners of Provinces, Townes and Kirks, with the Miniſters. Mr Alexander Arbuthnot was choſen Moderatour.

[It was voted firſt, That the place of this Aſſembly ſhould be as ſufficient as if it were holden in Dundie. C.]

Sefſio 1<sup>a</sup>.

Becauſe it is underſtand that certaine of the Nobilitie of this realme and Secret Counſell are to reſort to this Aſſembly, therefor the hail brethren ordaines, That the hail Nobilitie and Counſell, with Commiſſioners of Provinces, Townes and Kirks, having power to vote, fall ſitt within the barre of the ſaid over Tolbuith ; and all vthers without the ſame.

[In the trial of Superintendents and Commiſſioners, Mr John Douglaſs Biſhop of Sanct Andrews was accuſed for giving collation of the benefice of Pitcols, which was before given to a Miniſter, to Mr George Lawder who had three other benefices, preached not, and was ſuſpect of Papiſtry ; that John Wemes of Brunteland entertained a Dutch woman as his wife, his own wife undivorced, and no order taken with him ; Mr Magnus

Haleio excommunicate long since for adultery and haunting the company of Steuart, is not taken order with. Item, That he viseteth be others and not be himself, and through his default, the Exercise of Sanct Andrews is like to decay; that such as have offended in Lothian he receiveth in Sanct Andrews; and admitteth some to function in the Kirk, unable and untried, chiefly such as come out of Lothian and Merce. To the first he answered, That he knew not that Mr George Lawder had moe benefices then one, and farther he enjoined him to haunt the Univerfity of Sanct Andrews for a season, or the Exercise of Dumbar: As to the second, He remitted him to his book of visitation: As to the thrid, Remitteth to the proces against Mr Magnus: As to the fourth, Because of the rarity of people now in time of harveft, it is superceded till his returning.

Mr James Paton, Bishop of Dunkeld, was delated, That he had received the name of a Bishop, but they had not heard that he had used the office of a Bishop within his bounds: Answered, That he had lately received that Bishoprick, and that there was a Superintendent continued in that bounds till this Assembly. He was accused likewise, That he had not proceeded against Papists, and chiefly against the Earle of Atholl and diverse others within his bounds: That he was suspect of Simonie committed betwixt him and the Earle of Argill, anent the profite of the Bishoprick; and suspected of perjury in receiving of the said Bishoprick, because he giveth acquittances, and the Earle receiveth the Silver of the said Bishoprick. Item, For voting in Parliament anent the Act of Divorcement lately made in prejudice of the Assembly, who had suspended their Judgement in this matter till farther advisement, according to the Act of the last Assembly.

#### Sellio 2<sup>a</sup>.

Mr George Hay, Commissioner of Aberdeen, was accused upon fundry heads, and he was ordained to make answer in writt this day afternoon.

Mr Robert Pont, Commissioner of Murrey, was accused, That he made no residence in that countrey, and that he visite not the kirks of the same the two years bygane, except Inverness, Elgine and Forrefts, nor had appointed manfes and glees according to the Act of Parliament: Answered,



He had no leasure to doe the forsaids, becaufe it behoved him to return before the last of June. C.]

[The Affembly appointed John Durie, one of the Ministers of Edinburgh, David Hume, Minister of Aldhamstocks, Mr Roger Gordon of Quhitterne, Mr Peter Primrose of Mauchlin, Mr David Cunninghame of Monkland, Mr John Keith of Duffus, Mr Archibald Keith, Mr James Melvill, Alexander Keith, Thomas Morifone, Alexander Young and Peter Watson, to visite the books of visitations of Bishops, Superintendents and Commissioners to plant kirks, and to report what they find before the next Affembly. C. & B.]

[The Affembly giveth full power and commission to their loving brethren, John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winrame, Superintendent of Stratherne, Mr Robert Pont, Commissioner of Murrey, and one of the Senators of the Colledge of Justice, Mr John Row, Commissioner of Galloway and Nithisdail, Robert Fairlie of Braid, Thomas Scot of Abbotshall, James Johnston of Elphinston, Adam Fullerton, Mr David Cock, David Marr and Robert Red, Commissioners of Edinburgh, Sanct Andrews, Aberdeen and Dundie respectivé, to concurr with my Lord Regents Grace and Lords of Secret Counsell, confer and reason upon such heads and articles as shall be proponed be his Grace and Counsell forsaide, and to receive answer to the articles and heads which are to be proponed be the Kirk to his Grace, and to report their conference and reasoning to the Affembly, before the dissolving thereof, that conclusion may be had therein.

### Sessio 3<sup>a</sup>.

The Collectors of the thirds were called to shew their diligences anent the horners, and to give up their names to their Bishops, Superintendents, and Commissioners, what time they shall be required thereto be them.

Forsamikle as the Commissioners sent to my Lord Regents Grace, should reason and confer according to the injunctions to be given to them be the Affembly, and articles, the Affembly appointeth Mr Clement Little, Advocate, Mr David Lindsay, Mr George Hay and William Christefone, to frame the heads and articles, which are to be proponed for the Kirk to

his Grace and Counsell, and to fend the famine to the brethren Commiffioners that are prefently with his Grace and Secret Counsell. C.]

Touching them that receives excommunicants and ordour taking thereanent, The haill Kirk prefentlie affemblit ordaines all Bifchops, Superintendents and Commiffioners to plant kirks, and Minifters of particular kirks, to proceed to excommunication aganis all receivers of excommunicat perfons, if after due admonition the receivers rebell and beis difobedient, according to the ordour conteinit in the Book of Excommunication; and quhofoever knawand and get receives and intertaines excommunicat perfons, albeit he defist after admonitioun, yet fall he underly the difcipline of the Kirk, be making of publick repentance, except fick as are exceptit of the Law.

And to the effect that none pretend ignorance of the faids excommunicat perfons, the Kirk ordaines [and flatutes], All Bifchops, Superintendents and Commiffioners in their Synodall conventions, fall take up in roll the names of the excommunicats within thair Jurifdictiouns, and bring thair names to the Generall Affemblies, to be publifchit to vthers Bifchops, Superintendents and Commiffioners, that they be thair Minifters in their provinces may divulgat the famein in their haill countreyes quher the excommunicats hants.

[The Affembly appointeth their loving brethren, Mr Gilbert Gardin, Mr John Craig, Mr Robert Hammilton, David Ferguson, George Scot, Patrick Kinnynmouth and James Meldrum, or any five of them, to convene in the Inner Tolbooth afternoon, to give answer to queftions and complaints, and what they find difficill, to fend it to the Affembly for receiving refolution and answer.

#### Seffio 4<sup>a</sup>.

The Minifters, elders and deacons of the kirk of Mauchline, complained upon Mr John Hammilton, fon to unquhill Sir William Hammilton of Sanquhar, David Blair of Munchton, William Dumbare of Tarbolton, John Dumber of Barr, Mr Hugh Farquhar in Crapton, Patrick Hamilton of Lynnerhauch, and Patrick Reid, brother to William Reid in Garfoll, That upon the thrid of Auguft laft by past, being the day of their Communion, and they fitting afternoon in their Seffion, they accompanied with

200 perfons or thereby, brought with them the corps of the faid unquhill Sir William, brake the doors of the kirk being clofed, while they were occupied in the Seflion anent the affairs of the Kirk, brought in the faid corps, overthrew and brake down their table boords, whereupon the bleffed Sacrament was miniftred the fame day, and in place thereof buried the faid corps, notwithstanding the faid Sir William was, at the time of his departure, a parochiner of another paroich ; fo that it behoved them to rife from the Seflion, to depart out of the church, and give place to their rage and fury. The faid perfons being fummoned be Mr David Lindfay, Commiffioner of Kyle, Cariēt and Cunninghame, often called and not compearing, the Affembly ordained to caufe fumme them to the nixt Generall Affembly, to compear under the pain of excommunication, and that the Minifters of their paroiches or kirks where they dwell, fumme them from pulpit to compear as faid is ; not the lefs the Affembly giveth power to the Commiffioner of that province, to receive any of faid perfons that willingly in the mean time offereth themfelves to publick repentance for the faid fault, according to the faid Commiffioners difcretion.

Alexander Bifhop of Galloway was fummoned be Mr John Row, Commiffioner of Galloway, to compear before the Affembly. He compeared. Certain heads and acufations were given in againft him be the Superintendent of Lothian, the Kirks of Edinburgh, Halyrudhoufe and Sanct Cuthbert.

In the firft, We the faid Superintendent, Minifters and parochiners of the faid kirks doe complain, That the faid Mr Alexander intruded himfelf in the office of the Miniftry within the faid burgh of Edinburgh, where he allured, drew and perfuaded a great part of the faids parochiners in a company, thereby confounding all good order, wherethrough their own lawfull Minifters were rejefted.

Secondly, The faid Mr Alexander taught the people moft perverfe and ungodly doctrine ; but fpecially in perfuading, entyling and exhorting to rebell againft our Sovereign Lord, and to join with manifft rebels and conjured enemies.

Thirdly, The faid Mr Alexander, contrar tq the Aēt of the Generall Affembly made for the prayer for our Sovereign Lord, &c., moft maliciously tranfgreffed the faid ordinance, not only refufing to doe the fame, but alfo avowing in his prayer another Authority, and accusing and condemning all true Minifters, that did not the like that he did.

Fourthly, The said Mr Alexander being inhibited in speciall be ane Act of the Generall Asseubly, to have any intromission with the parochiners of Halyrudhoufe, He hath notwithstanding compelled them to adjoin with his pretended Kirk, in receiving the Sacrament then abused be him within Edinburgh ; causing his pretended Bailiffs, be the assistance of the men of war remaining within the said town for the time, to oppres and compell the said poor people to give him obedience.

Fifthly, The said Mr Alexander being sworn be his solemn oath, for due obedience to our Sovereign Lord and his Grace Regent and authority, come in the contrar thereof, and violate and brake his said former oath ; but specially, sitting in a pretended Parliament for dispossessing of our said Sovereign Lord of his royal crown and authority.

Sixthly, The said Mr Alexander being one of the pretended Privie Counsell, after the horrible slaughter of Matthew Earl of Lennox, Regent to our Sovereign Lord, of good memory, gave thanks for the same and others sicklike openly in the pulpit to God, and exhorted the people to doe the same, saying, That it was Gods most just judgement that fell upon him ; and as God then begann to execute his most just judgement upon him, he would not faill to execute the same upon the rest ; comparing oftentimes our said Sovereign Lord, his Regent and true lieges, to Pharoah and wicked Absalom, and himself to Moses and David, whom God would defend.

Last, Be reason that the hainous faults of the said Mr Alexander have been so notoriously knowne to all men, not only such as have been committed before the Reformation, but also such as have been committed diverse times since, to the great and heaveie slander of Gods true word, and professors thereof ; wherethrough many of the said professors, and others our Sovereign Lords true and obedient subjects, sometime be him perverted, yet still remain in their wicked conceived error, and can scarce be perswaded in the contrar, except the said Mr Alexander be caused confes his errors publickly in all places where he hath offended, but specially in all the forsaide kirks.

Sessio 5<sup>a</sup>

Mr Alexander Gordon, Bishop of Galloway, sent one of his servants

with ane answer to the accusations forsaide : But because he compeared not personallly, the Assembly ordained Robert Drummond to summe him to compear personallly before the Assembly the morne at ten hours, to answer farther to such things as should be laid to his charge.

Mr James Balfour, Minister of Guthrie, was ordained to pass to the Regents Grace, the Counsell and the Commissioners of the Assembly, who were with his Grace, and to shew the said Mr Alexanders answers to the said heads, and to delire his Graces advice therein, anent the alledge immunity, and incompetencie of the Judgement of the Kirk, and to report his Graces answer to the Assembly. Mr James returning reported, how after the Regent had heard the said accusations and answers thereto, declared, That his Grace was most willing to observe the heads of the Pacification, not prejudging the priviledge of the Kirk ; and willed that all notorious open slander should be satisfiied according to the discipline of the Kirk : The tenor of his answers followeth.

Brethren, I am very loath, as God knoweth, to come in reasoning with your Wifdoms, concerning the complaint given in against me be the Superintendent of Lothian and Kirks of Edinburgh, Halvudhouse and Sanct Cuthbert ; yet in respect of the highness and weightiness of the cause that dependeth thereupon, I am constrained, with your Wifdoms pardon, to answer thereto ; which is the priviledge and benefite of the Godly Act of Pacification, made be the procurement of the Queens Majesty of England, with consent of my Lord Regents Grace, the whole Nobility and Estates of this realme. Be virtue of the which Act, my Lord Duke his friends, my Lord Huntly, I and our friends, servants and dependents, are made from all transgressions, crimes, offences, done be us or any of us during the time of the troubles ; to the which Act the reformed Bishops, Abbots and Priors having vote in Parliament, consented in name of the Kirk : So my Lord Regents Grace for the Criminall and your Wifdoms for the Spirituall part, have no place to call us or any of us for any offence, during the said time, for the common cause, which was the maintaining of another Authority, or any thing that dependeth thereupon. And it is of verity, that the complaints given in upon me depend thereupon ; in speciall the greatest offence which may be laid to my charge, is only the preaching of the word, which I did at command of the other Authority, and be election and admission of such as professed the same : Therefore your Wifdoms can be no competent Judges to us, or any of us

contained in the forsaide Act of Pacification ; for as we were altogether disobedient, at that time, to the Kings authority and Kirk touching that point, allanerly in defending another Authority ; so are we by this Act of Pacification become obedient subjects to the King and Kirk in all things, except the offences forsaids, which are putt in oblivion by consent of the Three Estates, as if they had never been committed : Therefore we nor none of us ought, or should be troubled any wise for any offence done during that time, as said is. In respect of the premises, I humbly beseech your Wisdoms, to have regard to our estate, condition and service done by my Lord Duke his house, ours of Huntly and dependers, for maintaining of Gods word, and professors thereof, and how we have not spared in times bygone, our lives and heretages in defence of the same, and that I was the first that publicly preached Christ in face of the Authority ; that this our defection so honourably and lovingly remitted and put in oblivion, be no wise brought in disputation, again to prejudice the said Act of Pacification, ratified and approved in Parliament by consent of the Kirk, as said is. And if there be any other offence done by us then is contained in the said Act, that may anywise be slanderous to the Kirk, before the 15 day of June, anno 1567, untill the 24 of Februar 1572, we shall answer thereto as becometh members of the reformed Kirk and true professors of the blessed Evangell ; neither can your Wisdoms have farther Jurisdiction over me, nor over the rest of the communicants contained in the said Act of Pacification, for the causes forsaids : Alwise offers me to your Wisdoms, all things bygone being putt in oblivion according to the said Act, to serve in my own Jurisdiction, or to desist, as your Wisdoms please appoint me.

Mr David Lindsay, Commissioner of Kyle, Carick and Cunningham, complained upon George Boyd reader at Dalry, That where he was discharged from all ministration of the Lords Supper, he hath not the less ministered the same on his manner in the place of Kilbirnie the last Pasche. The Assembly ordaineth the said George to make publick repentance two severall Sundays, the one at Kilburnie, the other at Dalry, confessing his offence in presence of the parochiniers, and farther at the discretion of the said Commillioner, &c. : And also statuts and ordains, That, if he hereafter transgress in semblable case, he shall be deposed from all function of the Ministry for ever : And sikelike, This act to strike upon all others readers, that shall be found guilty of the like crime.



Sessio 6<sup>a</sup>.

Mr Alexander Gordon being summoned and often called, compeared not. Robert Drummond is ordained to summon him to compear again three hours, with certification if he compeared not, That the Assembly will proceed to farther process against him. He was summoned but compeared not: Whereupon and for offences contained in the former accusations, led against him and not denied, it was concluded, That he should make publick repentance in sackcloth three severall Sundays, one in the Kirk of Edinburgh, another in Halyrudhouse, and the thrid in the Queens Colledge for Sanct Cuthberts Kirk; humbly confessing his offences and slander, asking the eternal God and his Kirk pardon for the same: And for this purpose, the Assembly ordained Mr James Melvill and Andrew Simson, Ministers of Menmure and Dumbar respectivé, to pass to the said Mr Alexander Gordon, and admonish him in the Kirks name, to underly and perform the said injunctions, and to begin on Sunday next to come in the Kirk of Edinburgh, thereafter in the other two kirks successivé, under the pain of excommunication. C.]

[The same day, Alexander Hay, Clerk to the Secreit Counsell, presentit certaine heids proponed be my Lord Regents Grace to the Assemblée, concerning the provision of Ministers stipends be particular assignation: C. & B.] [The tenor whereof followeth.

The Summ of the Report to be made to the General Assembly.  
At Halyrudhouse the 12 day of August 1573.

My Lord Regents Grace, even as he accepted on him the regiment, began to espie and consider the corruptions and abuses entered in the order of the Colletorie, and to remember the sundry suites made be the Ministers of the Kirk in diverse Assemblies, to have certain assignations made to them of their livings and stipends, in places most ewest and commodious to their residence; and herewithall being carefull how the article accorded upon at Leith should take effect, viz. That the worthy and qualified Ministers and Preachers might be planted and distributed throughout the whole realme, and the readers specially appointed at every speciall kirk, where conveniently it might be: His Grace sensyne, at sundry diets, travelled



with the Kirk and their Commiſſioners for the perfection of this ſo Godly and neceſſary purpoſe; and be diligent labours, the names and numbers of the paroch kirks are collected, and the Miniſters and Preachers preſent diſtribute among them, while it ſhall be Gods good pleaſure to raiſe up moe worthy and qualified perſons, zealous and willing to enter in that function, who from time to time ſhall, God willing, be ſufficiently placed and provided to competent livings. The ſtipends be common conſent are modified, and certain aſſignations to be made for payment of the ſame out of the rents of the thirds of the benefices, common kirks or benefices, newly provided ſince the Kings coronation, beginning the order of payment of the fruits now growing on the ground.

The Miniſter ſhall alwiſe be firſt provided, and to that effect, where need be, the aſſumptions of the thirds of Prelacies, and others great benefices, altered, and the aſſignation of the Miniſters and Readers ſtipends taken of the firſt and readieſt duties of the kirk and parochine where they ſerve, out of the hands of the tackſmen, or ſuch of the parochiners, as they themſelves ſhall chooſe to be debtors unto them.

And in caſe any thing now aſſigned be before diſpoſed or provided in penſion, portion or otherwiſe, wherethrough the payment may appear uncertain and doubtfull, they ſhall have another ſure and ſpeciall aſſignation out of ſome other part of the third of that benefice, or otherwiſe in ſome place where it may be moſt commodiouſly had to their contentment, and letters granted for execution hereof in due forme as effects.

Item, My Lord Regents Grace minds, with all convenient expedition, That qualified perſons ſhall be promoted to the Biſhopricks now vacand, the delay whereof hath not been in his Graces own default, but be reaſon ſome intereſts was given to theſe livings in favours of certain Noblemen, before his acceptation of the Regiment; yet his Grace is perſuaded, that qualified perſons ſhall ſpecially be preſented; and in caſe of failzie, will not fail, without the others conſent, to preſent.

And in this meantime it was contented, That ſuch Superintendents and Commiſſioners as the Kirk ſhall be content with, or ſhall appoint, continue in their charges as before, where Biſhops are not placed, and have their ſtipends therefore, while the Biſhops be admitted to their own places and offices, which ſhall not be retarded in his default.

And forſamikle as ſince the reformation of religion in this realme, fundry common kirks and common lands and fundry benefices are ſett be the

Prince in few and tacks, far within the just avall and rent which they were worth, and gave before the said reformation; or else in a pretended manner, as freely given be the Prince in pension or gift, upon the importunate sute of some persons, without consideration of any ground or right how the same might be done, no Law nor Act of Parliament yet passing, whereby the power of setting, fewing and disposition of the saids common kirks, common lands or thrids, were annexed to the crown, or declared to pertain to the Prince; It being good reason, that the Ministers of the kirks should be sustained upon the rents thereof, and that the saids common lands should be applied to the help of the Schools, and otherwise, ad pios usus; therefore ordains Summons to be libelled, at the instance of the Kings Majestys Advocate, and of the procurators of the Kirk for their intrests thereof, for reduction of the saids fews, tacks and dispositions, wherethrough the rents of the saids commons and thrids may be goodly and rightly applied as effects.

It is resolved, That the executions of the sentence of excommunication against persons excommunicate, after the space of 40 days past, shall be presented to my Lord Theasaurer or his Clerk, who thereupon shall raise letters, be deliverance of the Lords of Session, to charge the persons excommunicate to satisfy the Kirk, and obtain themselves absolved under the pain of rebellion; and, in case they pass to the horn, to cause their escheits be tane up, and also to raise and cause execute letters of Caption against them, and that to be done at the Kings Majestys charges.

Touching the escheits of excommunicate persons, where the wives and children are faithfull, The law already made is thought good and worthy to be execute; and all dispensations dangerous, and tending to the increase of contempt and disobedience.

Touching the pecuniall penalty to be raised on the refetters of the excommunicate, Because as yet there is no express law; therefore lett ane article be formed hereanent against the next Parliament, and in the meantime the Kirk to use the discipline thereof against such offenders.

And diligence possible shall be made for collecting and ingathering of the rests, to the help of the Ministers standing in doubt; and it is not thought that the uptaking of the escheits of the rebels shall prejudice them.

The order of upholding of Schools in burgh and to landward, would be declared in a more speciall article.

It is thought meet, The multitude of hereticall books brought in this

countrey shall be burnt ; and that proclamation be sett out in ftrait manner, That none bring home hereticall books, nor preſts to ſell them while they be viſed in time coming ; and this Act to be extended in large form.

The law touching the manſes and gleebes is thought ſufficient, if the execution of the ſame be duely fought.

Anent the ſuſtaining and upholding of Cathedrall kirks which are paroch kirks, The ſame moſt be done as it had wont to be before, while a new or better order be taine thereanent be the Parliament.

For puniſhment of perſons that paſs in pilgrimage to wells, lett the diſcipline of the Kirk be uſed againſt the uſers of ſuch ſuperſtition, and the civill Magiſtrat ſhall alſo hold handto the puniſhment.

Lett alſo ane article be formed and givenin at the Parliament, for law to be made againſt ſuch perſons as make common buriall places of the paroch kirks, being commanded by the contrary.

Anent the heads and articles concerning the Jurisdiction of the Kirk, They are found very meet to be reaſoned upon ; whereunto my Lord Regents Grace will appoint ſome of the Counſell to conſerr with others that the Kirk ſhall depute to this effect ; ſo that it whereon they agree may be confirmed in Parliament, and have the force of a law thereafter.

Item, Seing the moſt part of the perſons who were Channons, Monks and Friars within this realme, have made profeſſion of the true religion ; it is therefore thought meet, That it be enjoined to them to paſs and ſerve as readers at the places where they ſhall be appointed.

To appoint a day for the election of the Biſhop of Murrey.

To appoint a day for the election of the Biſhop of Roſſe.

That the day be kepted for the election of the Biſhop of Dunblane.

To appoint a day for the election of the Archbiſhop of Glaſgow.

Commiſſioners in all provinces where biſhops are not placed.

A Suffragan for the Biſhop of Sanct Andrews in Lothian.

That every Commiſſioner tarry to ſee the principall aſſignation and order made for the payment thereof, for the weal of the Miniſters within his charge.

Seſſio 7<sup>a</sup>.

In reſpect that the Aſſembly cannot remain till ſnall ending of ſuch

things as are treating betwixt my Lord Regents Grace and the Assembly, anent the distribution of Ministers, their placing, and assignation to be made for fure payment of their stipends, &c., The Assembly adjoins to their brethren already having commiſſion to reaſon and confer with my Lord Regents Grace and Secret Counſell, the brethren underwritten, to wit, John Biſhop of Sanct Andrews, John Biſhop of Dunkeld, Mr John Spotfwood, Superintendent of Lothian, Mr David Lindſay, Mr George Hay, Mr Andrew Hay, Mr Donald Munro, of Kile, Cliddisdail, Aberdeen, and Roſſe reſpectivé Commiſſioners, Mr James Lowſon, David Ferguſon, of Edenburgh and Dumfermling reſpectivé Miniſters, John Brand, Miniſter of Halyrudhouſe, Mr Alexander Arbuthnet, Principall of Aberdeen, and John Gray of Fordall, That the ſaids brethren, or any thirteen of them, concurr with my Lord Regents Grace and Secret Counſell, reaſon, conferr and conclude, anent all things to be proponed be his Grace and Secret Counſell forſaid, and touching the heads, articles, requeſts, ſupplications and complaints to be proponed in the Aſſemblies name be them, conforme to the inſtructions which are to be given to them; and to report all and whatſoever their proceedings to the nixt Aſſembly, to be regiſtered among the Acts thereof: And to putt in forme the ſaids inſtructions to be delivered to the forſaids brethren Commiſſioners, the Aſſembly appointed Mr Robert Pont, Commiſſioner of Murrey, Mr John Row, Commiſſioner of Nithiſdail and Galloway, Mr Gilbert Gardine, Miniſter of Fordyce, Mr David Cunninghame, Miniſter at Monkland, to convene afternoon this day, and putt the ſaid inſtructions in forme, and deliver the ſame to the ſaids brethren Commiſſioners this night, that they may proceed conforme to the ſaids inſtructions.

Anent the ſupplication given in be Robert and John Seton, ſons to the Lord Seton: The Aſſembly ordaineth the Superintendent of Lothian, with ſo many Miniſters as he will aſſume to him, to take order with the ſaids perſons; and if they will obey, ſubmitt and ſubſcribe the articles of Faith, and ſwear obedience to the Kings Majeſty, to receive them in the boſome of the Kirk according to the order. C.]

Tuiching the changing of the ſituation of the paroch kirks, their gleibs and manſſes, for the commoditie of the parochiners: The Kirk gives licence to the Biſhops, Superintendents and Commiſſioners to plant kirks, with the advyſe and conſent of the parochiners and Miniſtrie of the countrey, to change the paroch kirks, manſſes and gleibs fra ane place to another

for commoditie of the said paroch ; Provyding alwayes, that the change thereof be not hurtfull to the Ministrie, and that suretie sufficient be made of the lands in quantitie and goodnes as they were before, to remaine with the Kirk for ever, with mortification thereof be the Kings Majestie.

[Forfamikle as Alexander Bishop of Galloway, after his compearing before this Assembly at a time, was diverse times thereafter summoned personally and at his lodgings, to have compeared before the Assembly, to have answered farther to things that were to be laid to his charge, and to have received the injunctions of the Kirk for satisfaction of his offence and slander given be him, &c. : Being often times called and not compearing, The whole Kirk assembled decerned the said Mr Alexander to make publick repentance in sackcloth upon one Sunday in the kirk of Edinburgh, another Sunday in Halyrudhouse, and the third Sunday in the Queens Colledge for Sanct Cuthberts : Therefore the whole Kirk presently assembled, commandeth Mr Rodger Gordon, Minister of Quhitterne, to admonish the said Alexander Bishop of Galloway in the Cathedral Kirk of Quhitterne upon a Sunday in the time of publick preaching, to resort to the saids kirks of Edinburgh, Halyrudhouse and Queens Colledge respectivé, and there fulfill the forsaids injunctions, betwixt the day of the admonition and the 20 day of the moneth of September nixt to come, under the pain of excommunication ; with certification to the said Mr Alexander, that if he doe not, the Kirk commands the Minister of Edinburgh or Halyrudhouse to proceed to excommunication against him, and to publish the same in the said other two kirks, and in other kirks as shall be thought expedient ; and ordains the said Mr Rodger to send this present ordinance, duely execute under his subscription, before the said 20 day of September forsaide again to the Kirk of Edinburgh, as he will answer to the General Assemblie of his obedience, &c.

Mr Robert Pont, Commissioner of Murrey, Mr George Hay, Commissioner of Aberdeen, Mr John Row, Commissioner of Nithisdail and Galloway, Mr David Lindfay, Commissioner of Kyle, Cariet and Cunninghamame, Mr Andrew Hay, Commissioner of Ranfrew, Cliddisdail and Lennox, Mr Donald Monro, Commissioner of Rosse, were continued in their office till the nixt Assembly.

The Assembly giveth commission to their loving brother John Gray of Fordell, to plant Ministers, erect the face of congregations, visit Schools, &c., in ample forme within the Diocie of Cathness for the space of a year

nixt after the date hereof, and to report his diligence to the General Affembly.

In like manner giveth commiffion to their loving brother John Brand, Minifter of Halyrudhoufe, to vifite Tiviotdaill, Tweddaill and Forrest till the nixt Generall Affembly, and to report his diligence done therein to the fame Affembly. The faid John protested, That he on no ways begin his journey to the faid vifitation, untill fuch time as a Minifter were appointed to fupply his place at Halyrudhoufe in his abfence. C.]

### Seffio 8<sup>a</sup>.

Anent them that confults with witches : The Kirk prefentlie affemblit ordaines all Bifhops, Superintendents, and Commiffioners to plant kirks, to call all fick perfons as falfe fufpect to confult with witches before them, at their awin particular vifitations, or vtherwayes ; and if they be found to have confulted with the faids witches, That they caufe them make publick repentance in fackcloath vpon ane Sonday in tyme of preaching, vnder the paine of excommunicatioun ; and if they be difobedient, to proceed to excommunication, dew admonitions preceeding.

Anent the uniformitie to be obfervit in proces of excommunication : It is flatut and ordainit, That all Bifhops, Superintendents and Commiffioners to plant kirks, fall direct their letters to Minifters quher the perfons that are to be excommunicat dwells, commanding the faids Minifters to admonifch accordingly ; and in cace of difobedience to proceed to excommunication, and pronounce the fentence therof vpon a Sonday in tyme of preaching ; and thereafter the Minifters to indorfe the faids letters, makand mention of the dayes of their admonitions and excommunication for difobedience forfaid, and to report to the faids Bifhops, Superintendents and Commiffioners, according to their direction containit in the faids letters.

[The Affembly ordaineth the Bifhop of Dunkeld to pafs in vifitation of his Diocie incontinent after the diffolving of this Affembly, and execute the Act of Parliament againft Papifts, of what degree foever they be, and all other criminall perfons, according to the Acts of the General Affembly, and to report their diligence to the nixt Affembly.



The brethren appointed for answering to questions, reported the same and their answers as followeth.

Q. Ubique, Where the Nobility offends in such crimes as deserve execution of discipline in sackcloth, the Nobility will not receive it; men of poor estate for the most part condemn it: What remedie shall be found. C.] A. Great men offending in such crimes as deserves sackcloth, they should receive the same as well as the poorer.

[Q. Whither if a Superintendent or Commissioner, with advice of any particular Kirk of their Jurisdiction, may dispense with the extremity of sackcloth prescribed by the Acts of the General Discipline, and that for a pecuniary pain ad pios usus. C.] A. No Superintendent nor Commissioner, with advice of any particular Kirk of their Jurisdiction, may dispense with the extremity of sackcloth prescribed by the Acts of the General Discipline, for any pecuniary fine or pain ad pios usus.

[Q. Why is order taken, That for no cause, how just so ever, no particular Kirk may excommunicate without the assent of the Bishop, Superintendent and Commissioner. A. The Assembly perceiving some to have been excommunicate without the due order of law, for redress of this disorder, hath thought it expedient, That the cause and order of the process be fought by the Bishop, Superintendent and Commissioner, before the sentence be pronounced.

Q. Whither if the Assembly may lawfully impose pecuniary pains to the committers of drunkenness, fornication, breach of the Sabbath, and such like, or not. A. The Assembly ordains, That, against fornication and the breach of the Sabbath, the Acts of Parliament be put in execution: as for drunkenness, They should give admonitions, which being disobeyed, they shall be repelled from the table of the Lord; yet Magistrates may inflict a pecuniary pain for the same, while order be taken in Parliament.

Q. May any Minister, with safe conscience, admit to the table of the Lord and other benefits of the Kirk, those who in the late troubles opposed themselves against the lawful Authority, and sustained the action of them who troubled the quiet state of the common weale, and of the



Kirk, who have not yet satisfi'd the Kirk, nor admitted themselves to the discipline thereof. A. They may not.

Q. What punishment shall the Minister incurr, that wittingly and willingly admits such publick transgressors and slanderers of the word to the saids benefits, before any publick satisfaction be made. A. Refers the punishment of the Minister that offends in this case to his Ordinar, according to the quality of the fault committed, and the place where he ferveth.

Q. A man willing to dimitt his benefice simpliciter, In whose hands shall he dimitt it. C.] A. Ane man willing to demitt his benefice simpliciter, sould demitt it in the hand of the just Patrone.

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## A. D. M.D.LXXIII.

THE Generall Affembly begun and haldin at Edinburgh [in the Nether Tolbooth] the 6 day of March 1573 : In the quhilk were present Earles, Lords, Barrones, Bifchops. [John Bifhop of Sanct Andrews, James Bifhop of Glasgou, James Bifhop of Dunkeld, George Bifhop of Murrey, Robert Bifhop of Cathnefs.] Superintendents, Commiffioners to plant Kirks, Commiffioners of Provinces, Townes, Kirks, Univerfities, and Minifters. Mr Andro Hay [Minifter of Ranfrew, and Commiffioner of Cliddifdail] was chofen Moderator.

Seflio 1<sup>a</sup>.

[In the trial of Bifhops, Superintendents and Commiffioners to plant kirks, John Archbifhop of Sanct Andrews was delated, For not vifiting his province of Fife ; for admitting a fimple reader, Robert Douglaſs, to the Perfonage of Morvington, the profite whereof confifteth in thrids ; That he was not only Bifhop, but Rector of the Univerfity, and Proveft of the New Colledge ; That he preached not in Sanct Andrews, where he made his refidence ; That he abſolved Mr Magnus Halcro, who was excommunicate in Orkney for adultery committed be him with Margrat Sinclair, ſometimes wife to James Tulloch. To the firft he answered, That ſince the laſt Affembly he had been continually fick, and ſo weak that he was not able to vifite his ſaid cuntry, which excuſe was thought reaſonable. To the ſecond he answered, That he underſtood be relation,

that the said teinds of Morvington were so small in value that scarce would they sustain a reader; notwithstanding the Assembly ordained the said Bishop to reform his collation of the said benefice, according to the laws already made anent personages. To the third, He alledged infirmity, and promised to preach in time coming according to his ability. To the fourth, alledged, That he absolved the said Mr Magnus be just process led before him in Sanct Andrews. The Assembly ordained the Bishop to produce the process before them that day eight days. Anent the retaining of the Rectory and Provestry, he answered, He was content to dimitt the one and the other, how soon my Lord Regents Grace and Commissioners shall come to Sanct Andrews for visiting of the Colledges.

James Bishop of Dunkeld was accused for admitting one called Sir Walter Robefone, to read in the kirk of Logyret, who, within 20 days thereafter, past with a dead corps to the kirk, having the Supercloath upon him in popish manner: Item, For admitting Michael Grey and John Drummond, two readers at the kirk of \_\_\_\_\_, who be their convention and troubles have raised a great slander against them and their offices: Thirdly, That he hath not execute the sentence of excommunication against the Earle of Atholl and his wife, conforme to the Act of Parliament. The Assembly ordained him to take order with the forsaids readers, that, all slander being removed, no cause of complaint be found hereafter. And sicklike with the said Walter Robefon, and try the forsaide alledgance touching the smelling of papistry. As for the oversight of the Earle of Athole and his wife, he confessed the same, and therefore was ordained to pass to the Cathedrall kirk of Dunkeld, and there upon a Lords day in time of preaching confess his fault publicly for not executing of the forsaide sentence; and farther, that thereafter within 40 days, the said Earle, his wife and so many of his family as shall be found disobedient, be excommunicate: The order of his excommunication, and indorfation thereof in authentick forme, to report to the Regents Grace, that order may be taken thereanent.

John Gray, Scribe to the Assembly, presented a book containing a visitation of the Diocie of Cathness, made be John Gray of Fordell, Commissioner of the said countrey; and also read a letter sent from him, wherein he desired to be discharged of that office, both for the weight of the burthen, his age, and meanness of the stipend. The Assembly could not give ane answer presently.

For visiting of the books of diligences, of Bishops, Superintendents and Commissioners, were appointed the brethren underwritten, Mr James Greig, William Christefone, Mr David Wemes, Thomas Duncanson, John Duncanson, Mr Roger Gordon, David Ferguson, John Clapperton, Robert Monteith, James Anderfon, Mr Archibald Keith, to convene in this house upon Monday at seven hours before noon, for overseeing of the saids books, and so continue from day to day, till the same be perfectly overlighted, and what they find therein to report the same to the Assembly.

### Sessio 2<sup>a</sup>.

George Bishop of Murrey was accused of fornication committed by him with one called Scot, relict of Dishington of Ardros: He answered, That, after admonition given him, he abstained from all cohabitation with the said woman. He was removed, and the brethren chiefly in Fifeshire inquired, Whither he had given just cause of slander before admonitions given to him. And entering again he was ordained to purge himself before the Assembly of the forsaide crime. He desired time to advise with himself till the 10 day of this instant moneth, at what time he promised to give answer. And because the members of the Chaptour of Murrey had admitted the said George to the Bishoprick of Murrey in giving their letters testimonials thereupon, without just trial and due examination of the said George life, conversation, and qualification in literature, as appertained, wherethrough great slander is risen; therefore the Assembly giveth commission to John Areskine of Dun, Knight, Superintendent of Angus and Mernes, Mr George Hay, Commissioner of Aberdeen, Mr Alexander Arbuthnet, Principall of the Colledge, Mr John Craig, Minister of New Aberdeen, That they direct their citation to summon the forsaide Chaptour of Murrey to compare before them, day and place as they shall appoint, for the causes above written; and what they happen to find in the said matter, to report the same to the next Generall Assembly.

To visit the heads and questions presented to the Assembly be Alexander Hay, clerk of the Secret Counsell, sent by my Lord Regents Grace, and for giving answer thereto, were appointed the brethren underwritten, Mr James Boyd, Bishop of Glasgow, John Areskine of Dun, Knight, Super-

intendent of Angus and Mernes, Mr John Winrame, Superintendent of Stratherne, Mr John Row, Mr James Lowfon, Mr Alexander Arbuthnet, Mr Robert Matlane, Dean of Aberdeen, Mr Patrick Adamfone, the Laird of Lundie, the Laird of Quhittinghame, the Laird of Elphinston, the Laird of Barr, the Laird of Spott, the Laird of Kelwod, Alexander Udward, Commiffioner of Aberdeen.

The Affembly ordains Mr George Hay, Commiffioner of Aberdeen, to deliver ane juft copy of his compts of collectory of Aberdeen and Banff of 1572 years, to Mr John Craig, Mr Alexander Arbuthnet, to the effect that the Minifters of that countrey may underftand what allowances are taken of their flipends of the faid year, every one for his own part ; which ordinance the faid Mr George promifed to fulfill.

The Affembly appointeth Mr John Spotfwood, Superintendent of Lothian, Mr Clement Littel, Advocate, Mr Robert Pont, Mr James Lowfon, Mr David Lindfay, Mr Alexander Arbuthnet, Mr Patrick Adamfon, or any four of them, to revife and confider the reply made be John Duncanfone, Minifter of the Kings houfe, againft Mr James Tyries laft book ; and what the faid brethren find therein, to report again to the Affembly, to the effect it may be underftood, Whither the faid reply may be committed to print or not : And in like manner, that the faids brethren or any four of them, perufe and confider a book prefented to the Affembly be the Earl of Glencarne, fett out be a brother, and intituled, “ Of Gods Providence,” and to report their judgment thereanent to the effect forfaid.

Mr John Davidfone, a Regent of the Colledge of Sanct Leonards in Sanct Andrews, . . . . . declared to the Affembly, how he had been fummoned before the Counfell, and troubled a long time for a book, which was not unknowen to their Wifdoms, and what was his mind, and the whole procefs of it, and desired them to examine it ; and if they found it diffonant from the word of God, condemn it ; if confonant to the truth, approve it, and that with expedition, becaufe his ftaying was chargeable ; and Noblemens fons his fcholars were defrauded by his abfence. . . . . Some informed the Moderator, that Mr John Rutherford had made ane answer to it. The Affembly thought good, it fhould be prefented. He fhifted faying, He could not produce his ineptias, and that he had written but one copy which the Regent had. . . . .

It was voted, Whither he should be compelled under the pain of excommunication, to present his book, and was concluded as followeth.

Forſamekle as the Affembly understanding, that Mr John Rutherford, Provest of Sanct Salvators Colledge, hath published a book in writt against Mr John Davidſone his book ; therefore it was inquired, Whither the said Mr John ought and should produce the said book before the brethren of this Affembly. It was voted throughout, That he ought and should produce the same, to be lighted and considered be the brethren presently convened ; and therefore ordained Mr Robert Hammilton, Minister of Sanct Andrews, Mr James Melvill, Minister of Arbrothe, to require the said Mr John Rutherford, to exhibite the said book before the Affembly the morne at nine hours : And, in the like manner, That the said Mr John Davidſon present his book.

The Affembly ordaineth all Biſhops, Superintendents and Commissioners to plant kirks, to give in writt the morne afternoon, the names of all such persons as they know to be able within their diocese, to serve in the Ministry, that they may be planted and livings obtained to them accordingly.

For answer to the last article sent to the Affembly be my Lord Regents Grace, anent the substantiall cause, if any be, of mislyking the order agreed upon for payment of Ministers stipends, and assignation of the same, and what better order can be proponed and devised for the same : The Affembly appointed the brethren underwritten, to witt, James Biſhop of Glasgow, John Arefkine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winrame, Superintendent of Stratherne, Mr Gilbert Foulſie, one of the Commissioners of Orknay, Mr Robert Pont, Mr James Lowſon, Mr John Row, Mr David Lindſay, Mr Alexander Arbuthnet, Mr George Hay, Mr Patrick Adamſon, Mr Rodger Gordoun, Richard Melvill, Minister of Gods word, the Laird of Lundie, the Laird of Braid, the Laird of Barr, the Laird of Carnall, Andrew Ker of Fadounſide, the Laird of Thorntone, David Lindſay, Lyon Herald, John Adamſone, one of the Commissioners of Edenburgh, the Commendator of Deir, Mr John Young, Minister at Irving, and William Hume of Hutton, to convene the morne at eight hours before noon in Mr James Lowſons chamber, and consider the forſaid article, and pen ane answer thereto, and report the same again to the Affembly.

Sello 3<sup>a</sup>.

Anent the appellation interponed be George Cleppan of Corflogie, from the sentence of excommunication pronounced against him be the Bishop of Sanct Andrews, for causes contained in the said appellation : The Assembly ordaineth the said Bishop, with advice of so many of his Ministers as he shall think meet to assume to him, to receive the said George to the bosome of the Kirk, absolve him from the said sentence, if he will unfainedly require the same according to the order, and thereafter receive his purgation of the crime laid to his charge be his own oath ; admonishing him to adhere to his own wife in time coming, under the pain of incurring the said sentence of, &c. C.]

The Kirk ordaines all Commissioners of townes and provinces, That they search and seik out the haille rentalls of the Hospitalls within their bounds respectiue, and give the same in to their Bishops, Superintendents and Commissioners, shawand how the same are vsit or abusit, to the effect that my Lord Chancellour may reueale the same, to report to my Lord Regents Grace ; and this to be done, betuixt and the tent day of Apryle nixt to come.

[Anent the Commission given in the last Assembly to the Laird of Dun and certain other brethren with him, to conferr and conclude with my Lord Regents Grace and Secret Counsell : The said Laird of Dun and brethren forsaide gave up their said commission, and protested, That nothing should be imputed to them, or laid to their charge, as done and concluded be them with my Lord Regents Grace, that might prejudice the brethren or the Assembly.

Mr John Davidfone, Regent in Sanct Leonards Colledge, conform to the command of the Assembly, willingly presented his book in writt, to be sighted and considered be the brethren appointed thereto, and alledged, that the same was printed without his advice and command ; alwise submiteth himself and his book to the judgment of this present Assembly.

The Assembly appointed Mr James Lowson, Mr David Lindsay, the Laird of Barganie, the Laird of Thornton, the Commissioners of Edinburgh and Sanct Johnston, to present a Supplication to my Lord Regents Grace this day at two afternoon, and to report his Graces answer to the Assembly : The tenor of the Supplication followeth. C.]



Unto the Lord Regents Grace [and Lords] of Privie Counsell, with  
vthers of the Estates conveyit with his Grace, the Kirk Generall  
now assemblit wilches everlasting health in Chryft.

It is not unknowin that holie mysterie of God that hes chofin to himselfe a Kirk, and that from the beginning, and fall continue for evir ; and that is the congregatioun and companie of the faithful professours of Chryft : And in his Kirk God hes appointit his holie mysteries to be ministrat, and calls men to be ministers of the same, that be the samein ministrie the elect of God may be callit, regenerate and nourishit to the everlasting lyfe. For preservatioun of the holie Ministrie and Kirk in puritie, the Lord hes appointit Assemblies and Conventiouns, not only of the persons of the Ministrie, but also of the haille members of the Kirk professing Chryft : The quhilk Kirk of God hes continuallie vfit, and vses the same Assemblies, sanctified be the word of God, and authorized be the presence of Jesus Chryft. It is also knowin vnto your Grace, that sen the tyme God blessed this countrey with the light of the Evangell, the haille Kirk maist godlie appointit, and the same be Act of Parliament authorized, that twa godlie Assemblies of the haille General Kirk of this realme, could be ever ilk geir, asweill of all members therof in all Estates as of the Ministers : The whilk Assemblies hes bein sen the first ordinance, continually keipit in sick sort, that the most noble ther of the hiest Estate, hes joynit themselves, be their awin presence in the Assemblies, as members of ane body, concurreand, voteand and authorizand in all things their proceeding with their brether. And now, at this present, the Kirk is assemblit according to the Godlie Ordinance, and lookes to have concurrence of thair brethren in all Estates, and wisches of God, that your Grace and Lords of Privie Counsell will authorize the Kirk in this present Assembly, be your presence, or be vthers haveand your commission in your Grace and Lordships names, as members of the Kirk of God ; for as your Graces presence and the Nobilities could be vnto us most comfortable, and so most earnestlie wisched of all, so your Graces absence is to us most dolorous and lamentabill ; wherof followes the want of ane great part of the members, that weill cannot be absent from the treating of these things that appertaines to the Kirk and policie thereof, in Assembly altogether, to be handlit be the advyse of all, and to the whilk end the Assemblies are ap-

pointit ; the authoritie quherof your Grace knowes to be sick as the contempt of it tends to the verie dishonour of God ; and therfor as ze esteime your selves to be members of Chryst and of his Kirk, shew the fruits therof ; of the quhilk it is not the least to joyne your selves to the Kirk, not only be hearing the word, and receiving the sacraments, bot also in conveyeing with your brether in the holie Assemblies : The quhilk to doe we give you admonition in the name of the Lord ; extending this our admonition to every person, of whatsoevir Estate, that are present with your Grace and Lordships ; and specially we admonish the Bishops and sick as are of the Ministrie, to joyne themselves with vs, according to their ministrie and duetie ; vtherwayes they will be thought vnworthie of the office they beare. The tyme that the kirk will sitt will be short, and tyme wald not be neglectit ; and yet the kirk is not so rigorous, bot that men may, after their presence givin in the Assembly, have libertie, as tyme requyres, to waite vpon their lafull buslines : And this admonition we give your Grace with all reverence and humilitie ; and that chieflie in respect your Grace, be your awin articles and questions sent to the Kirk, desyres first to be admonishit charitable, quhensoevir offences arises, befor the same be vtherwayes traduceit.

[Anent questions, complaints, bills and requests which could not be resolved and answered unto in the Synodall Conventions of provinces : The Assembly appointed Mr Robert Hammilton, Minister of Sanct Andrews, Mr John Young, Mr James Balfour, Mr David Cunninghame, Mr David Wemes, Mr James Carmichael, Mr John Davidson, Mr Andrew Simpson, to read and consider the saids questions, bills and complaints, and give answer thereunto, and report the same to the Assembly again. C.]

[The Assembly appoints James Bishop of Glasgow, the Superintendent of Angus and Mernes, Mr John Winrame, Superintendent of Stratherne, Mr Robert Pont, one of the Lords of the Session, and preacher of Gods word, Mr John Row, Minister of Perth, Mr Robert Matlane, Dean of Aberdeen, Mr Alexander Arbuthnet, Principall of Aberdeen, and John Duncanstone, Minister to the Kings house, That they convene the morne about 6 hours in the morning, in Mr James Lowfons house, to pen the heids and articles concerning the jurisdiction of the Kirk, and thereafter to present the same in to the Assembly, to the effect that resolution may be had thereof at my Lord Regent Graces hand. C. & B.]

Anent the iurisdiction of Bishops in thair ecclesiasticall function : The Kirk presentlie assemblit hes concludit, That the same fall not exceed the iurisdiction of Superintendents, quhilk heirtofor they have had and presentlie hes ; and that they falbe subiect to the discipline of the Generall Assemblie as members therof, as the Superintendents hes bein heirtofor in all forts.

That no Superintendents nor Commillioners for planting kirks, have nor fall give collatioun of benefices, nor admitt Ministers, without the assistance of thrie of thair qualified Ministers of thair province, quho also fall give thair testimonials to the saids Superintendents or Commillioners, subscryvit with thair hands, in signe of thair consent therto : And, in lyke manner, That no Bishop give collatioun of any benefice within the bounds of Superintendents within his dyocie, without thair consent, and testimonials subscryvit with thair hands : And, that Bischopes within thair awin dyocies, visite be themselves, quher no Superintendents are ; and give no collatioun ordinar vpon benefices, without consent of thrie weill qualified Ministers, as said is, of Superintendents and Commillioners to plant kirkis.

Session 4<sup>a</sup>.

[The Assembly ordaineth the Bishop of Glasgow, to take order with John Hammilton, son to unquhill Sir William Hammilton, and to give him injunctions for satisfieng of the Kirk of Mauchlin. His complices, John Dunbar, Hugh Farquhar, Patrick Hammilton of Linnerhaugh, William Dumbar, parochiner of Tarbolton, David Blair, parochiner of Munckton, and Patrick Reid, being often called and not compearing, the Assembly ordained the said Bishop of Glasgow, To direct his precepts to the Ministers or Readers of the kirks where the forsaids persons dwell, to admonish them and every one of them respectivé in their own paroich kirk, to satisfy the kirk of Mauchlin for the offence done to the said kirk, under the pain of excommunication ; and in case of disobedience of the saids persons, or any of them, that he give commandment to the saids Ministers or readers where the saids disobedients dwell, to pronounce the sentence of excommunication against them, according to the order appointed in the Book of Excommunication. C.]

Sello 5<sup>a</sup>.

[The Affembly presently convened, in one voice and mind, giveth full power and commiſſion to their loving brethren, John Arefkine of Dun, Knight, Superintendent of Angus and Mernes, Mr John Winrame, Superintendent of Stratherne, Mr Robert Pont, one of the Senators of our Sovereign Lords Colledge of Juſtice, and Miniſter of Gods word, Mr John Row, Mr George Hay, Mr David Lindſay, Commiſſioners of Galloway, Kile, Cariët and Cunninghame reſpectivé, Mr James Lowſone, Miniſter of Edinburgh, John Duncanſone, Miniſter of the Kings Majelties houſe, to conveye with my Lord Regents Grace and Lords of Secreit Counſell, to conferre and reaſon vpon the heids concerning the juridiçtioun and policie of the Kirk, and ſick vther heids and articles as ſalbe proponit be his Grace and Counſell to them; and upon the heads, articles and requests, which are to be proponed to his Grace and Counſell, in name of the Affembly preſently convened, and concerning all and fundry other things tending to the ſetting forward of the glory of the eternall God, maintaining the preaching of his word, the Kings Majeltys authority, and common wealth of this realme: firm and ſtable, &c. C. & B.]

[Forſamikle as George Biſhop of Murrey was ordained to have compeared before this Affembly the 10 day of this inſtant, to have given his purgation of the ſlander given be him of fornication, alledged committed with the Lady Ardrotte, and hath not yet compeared; therefore the Affembly ordains James Biſhop of Dunkeld to warn the ſaid George, to compear the 12 day of this inſtant moneth at 10 hours before noone, to make his purgation, according to the ordinance appointed to him the 8 day of this moneth.

The Affembly ordaineth the Biſhop of Glaſgow to take order with John Carmichael, Captain of Crauford, now ſubmitting himſelf to the diſcipline of the Kirk for adultery committed be him, and to receive him to publick repentance, according to the Aëts of the Generall Affembly heretofore made againſt the committers of ſuch crimes.

Sello 6<sup>a</sup>.

The brethren appointed to reaſon upon the Commiſſioners and their

commiffion, that are to pafs to the Regents Grace and Secret Counfell, do declare that their opinion was and is, That they fhould pafs the morne at time appointed to the Regents Grace and Counfell with their commiffion: and if they were refuted to reafon as Commiffioners of the Affembly, then and in that cafe they fhould return again to the Affembly with their commiffion, and report their refufal, to the effect the Affembly may take order thereanent. This their opinion being read, was approved be the whole Affembly.

Anent the Affemblies answer, touching the head of allowing of the order of affignation of Minifters flipends, &c.: The Affembly appointed Mr George Hay, Commiffioner of Aberdeen, and Mr Alexander Arbuthnot, Principall of the Colledge, to prefent the faid answer to my Lord Regents Grace, and to report his Graces answer again thereanent. C.]

#### Seffio 7<sup>a</sup>.

As concerning the appointing of fundrie kirks to one Minifter: To the end the matter may be plainer, and the mynd of the Kirk knawin to all men herein, the Kirk hes declarit, That howbeit fundrie kirks be appointit to ane man; yett fall the Minifter make his refidence at ane kirk, quhilk falbe properlie appointit to his charge, and he falbe callit principallie the Minifter of that kirk; and as concerning the reft of the kirks to the quhilks he is nominat, he fall have the oversight thereof, and help them, in fick fort as the Bifhop, Superintendent and Commiffioner fhall think expedient, and as occallion fall ferve from his awin principall charge, the quhilk he in no wayes may neglect: And this ordour only to remaine quhill God of his mercie fall thruft out more labourers vnto his harveft.

[John Arefkine of Dun, Knight, Superintendent of Angus and Mernes, for certain caufes moving him, purely and fimpliciter demitted his office of Superintendentry in the hands of the Affembly prefently convened, defiring them to provide for another in that room, that the country be not deftitute of ane overfeer; not the lefs promifing to doe that thing which lyeth in his power for the confort of the Kirk.

In like manner, Mr John Spotfwood, Superintendent of Lothian, demitted his office in the hands of the Affembly, defired them to provide for another in his room, that the countries whereof he had the oversight, be

not destitute of a visiter; desiring also the Assembly to be mindfull of his pains and travells tane be him these 14 years bygane, in overseeing and visieng of the kirks from Stirling to Berwick, and labour in such sort, that he may be payed of his appointed stipend, yearly not yet paid, either be payment of the same whole together, or, at the least, that such a portion yearly be paid to him, ay and while the said stipend be compleatly payed. The Assembly promised to travell with my Lord Regents Grace for performing of the said reasonabell request, as occasion might serve.

Mr John Winrame, Superintendent of Stratherne, demitted purely and simpliciter his office in the hands of the Assembly.

Forsamikle as the Diocye of Glasgow is of great and large bounds, so that impossible it is that the Bishop thereof may visite the same: In respect whereof, the Assembly thinks good, That there be two Commissioners appointed to support the visiting of the said diocye, to plant kirks therein. The naming of them, and their bounds where they shall travell, and their stipends for their travell was deferred; but to be done before the dissolving of this Assembly.

Mr Robert Pont, Commissioner of Murrey, in respect that George Douglas, Bishop of Murrey, is admitted Bishop of Murrey, purely and simpliciter demitted his office of Commissioner.

The Assembly ordaineth Alexander Sibbald, Commissioner for Sanct Andrews, to warn Mr John Rutherford to produce his book before the brethren, appointed to revise the same, upon Sunday at four hours afternoon, in the Minister of Edinburghs chamber. Incontinent Mr John personally compeared, and protested as follows: Forsamikle as I Mr John Rutherford is required be the Assembly to communicate a certain book, which I have written, albeit not of purpose to sett forth the same, without the advice of them to whom it appertaineth, to certain brethren, I protest it prejudice not the jurisdiction of the Rector, nor be prejudicial to me in any sort, seing it is but a free conference; and the Rector be immediate Judge, is one of the persons with whom I am willing to communicate the same; and alledges my book to be imperfect, therefore should not produce it, nor will not produce it, till I speak and advise with my immediate Judge Ordinar, the Rector of Sanct Andrews, &c. And thereafter he departed incontinent out of the Assembly. Notwithstanding the forsaidd protestation, the Assembly ordained Mr Robert Hamilton, and Mr James Melvill, Ministers, To warn the said Mr John to produce

his book before the forfaid brethren, on Munday at 8 hours before noon, in the Ministers chamber, to be tryed and fighted there, under the pain of difobedience to the Affembly.

The Commiffioners appointed to try Mr John Davidfons book, were the Laird of Dun, the Bifhop of Sanct Andrews, againft whom Mr John excepted, but was not heard, Mr Robert Pont, the Dean of Aberdeen, Mr James Lowfon, Mr\*George Hay, Mr Alexander Arbuthnet.

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A. D. M.D.LXXIV.

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THE Generall Affembly haldin and begun [in the upper Tolbooth] at Edinburgh the 7 day of August 1574: In the quibilk were presēt Barronis, Bischops, Superintendents and Commissioners to plant Kirks, Commissioners of Provinces, Townes, Kirks, Univerfities, and Ministers. Johne Dunkanfone, Moderatour.

Sessio 1<sup>a</sup>.

The Assemblie vnderstanding that be the deceis of Johne Gray thair late clerk, the said office of clerkship is vakand, and none as yet is provydit therto; and therefor befor any proceeding, that it is necessar the said rowme be filled, hes appointed thir brethren vnderwriten, viz. my Lord Deane of Aberdeine, Andro Hay, James Lowfone, Alexander Arbuthnet, Principall of the Colledge of Aberdein, James Melvill, Clement Little, and David Lindefay, Minister of Leith, (all Masters) to appoint the leits of them, of whose number the clerk is to be chosin. Quhilk brethren all in ane voyce nominat Mr James Ritchie, George Mackyfone, William Paterfone, Wryter, Patrick Fylder, servant to Alexander Hay, clerk of the Secreit Counfell, to be the leits, of quhilk number the clerk of the said Assemblie is to be electit; and in the meane tyme, quhill the said clerk be chosin and receivit, the said Assemblie hes ordainit Mr Andro Mylne to supplie the place.

[In the trial of Bishops, Superintendents and Commissioners: The

Bishop of Glasgow granted he had not exactly done his duty, alledging the cause thereof to have been his occupation in temporall affairs of the Bishoprick, and hearing Ministers preach at their own kirks; and promised amendment in time coming.

The Bishop of Dunkeld was complained upon, For not visiting of the kirks of Lothian which belonged to his diocye: Secondly, That he had taine no order with the reader of Abernethie, for his residence, nor for satisfaction of the slander given by him: Thirdly, For using Simonicall paction with unquhill Archibald Earle of Argile. To the first he answered, He had not opportunity to visite the kirks of Lothian: As for the second, He promised to take order with the said reader: To the thrid he answered, That my Lord Argile compelled him to give certain pensions forth of the Bishoprick, which he hath revoked senfyne: As for not excommunicating the Earle of Atholl, as he was enjoined in the last Assembly, could alledge no lawfull excuse.

The Superintendent of Lothian was not complained upon, howbeit he did not visite the whole kirks, seing his visitation was free, and upon his own charges.

For visitation of the kirks, of diligences of the Bishops, Superintendents and Commissioners of provinces, and of the questions and supplications to be given into this present Assembly, were appointed the brethren under-written, to wit, John Porterfield, Mr Adam Johnston, Mr James Melvill, Peter Watson, John Dykes, Mr Robert Wilkie, William Christeson, Mr George Mackeson, to assemble every day before noon ane hour, and ane hour after noon, while the books be perused, the bills, supplications and questions answered; and what they doe herein, to report to this present Assembly.

### Sessio 2<sup>a</sup>.

The tenor of the examination of Mr John Keith, Dean of the Chapter of Murrey, and Mr Andrew Simpson.

Mr John Keith, Person of Duffus, and Dean of the Chapter of Murrey, being accused, Why he being summoned with the Chapter of Murrey to compare in Aberdeen before certain Commissioners appointed be the General Assembly the 26 day of May, to try of the Bishop of Murrey his

admission, stayed not the time of triall of their process, according as he and they were commanded: Answered, That at their coming to Aberdeen to the paroch kirk before the said Commissioners, the Commissioners began to intreat certain particular matters, concerning the state of the kirk there, and preferred not their cause and the triall of their process to any other purpose. The Commissioners answered, That their untimely coming caused them to enter into another cause; and when they desired them to stay till afternoon and the morning of the next day, they departed nevertheless upon the 27 day, without giving any advertisement unto them. The said Mr John being required, Whither, in conscience, he knew the approbation and witness given to the Bishop of Murrey his life, doctrine and good behaviour was true, as was written in the process, and of what assured knowledge they gave it: He answered, That the testimony of his conversation was only be report and brute as he heard, and not otherwise; whereupon they proceeded to that witness given. Being demanded, Whither these that subscribed his admission were altogether present, and heard his triall of doctrine and conversation: Answered, That the triall continued three days, but all were not present the said three days together at the triall of his doctrine; but the last day when they subscribed, all were present, except Alexander Winchester. Mr Andrew Simpson, Minister in Forreth, one of the said Chapter, answered to the Second article, touching the cause of their testification of his willing mind, and uprightness to enter in the Bishoprick, That that which they did was upon his own confession, who testified as they wrote his fate to be, and because he alledged he knew him at all times to be of sincere religion: To the Third he answered, That upon Sunday the 20 of December, the first of the three days, the whole Chapter was present, except Mr Alexander Gordon, Chancellor of Murrey, Donald Dow and Alexander Winchester. And upon the third day of examination, which was the 22 of December, All were present, except Donald Dow and Alexander Winchester; and these that were present subscribed together.

Mr George Hay, Mr Alexander Arbuthnet, and Mr John Craig, Minister of Aberdeen, produced the process exhibite be the Dean and Chapter of Murrey the 26 of May 1574, concerning the admission of the Bishop of Murrey to the said Bishoprick, together with their animadversions upon the said process, which they desired to be registered in the books of the Assembly. The Assembly appointed Mr John Keith and Mr Andrew

Simpson and the rest of the Chapter to answer thereto the next Munday, at nyne hours before noon. C.]

Sessio 3<sup>a</sup>.

Anent the creatioun\* of ane Clerk of the said Generall Assemblie of the Kirk : It was vottit through the said haill Assemblie, and concludit, That of the foure persons appointit on the leits, Mr James Ritchie, be reason the greatest part thereof gave thair consent to him, sould be clerk ; quho, in presence of the whole Assemblie, solemnlie beand sworne to vse the said office of clerkship of the Kirk faithfullie, made promise to doe the same, and acceptit the said office vpon him.

[The Assembly ordaineth Mr Andrew Hay to proceed to deprivation, conform to the order, against John Anderfon, because he had not kepted the Synodall Assembly these seven years bygane.

The Assembly ordaineth, That humiliation and obedience being made be Tod in Glenquhome, he be admitted again to reading, and administrat[i]on as before. C.]

Forfameikle as it is vnderstand to the said Assemblie, That diuerse Ministers within this realme vses the office of Collee<sup>t</sup>ourie and Chamerlainrie vnder Bischops and vthers beneficit persons, quherthrow they are avocat from thair cures, and gives great occasion to slander the Kirk : Therfor it is statute and ordained in this present Assemblie, That fra this tyme furth no Minister vse and exerce the said office of Chamberlainrie or Collee<sup>t</sup>ourie vnder whatfomever beneficit men, quherby they may be abstractit fra thair vocation ; and contraveiners therof to be depryvit of thair office, and to be secludit therfra.

Sessio 4<sup>a</sup>.

[Anent the supplication given in be Mr John Spotswood, Superintendent of Lothian, dimitting in the hands of the Assembly his office of Superintendentry, as well be reason of his age, now being unable to undertake the unportable travells committed to him in his office, as be reason that since his acceptation thereof, for the space of two years he received no stipend ;

therefore desiring some zealous able person to take the said cure upon him, that the Kirk be not destitute in thir perillous times: The Generall Asseembly having considered the said supplication, seeing the present necessity and state of time in danger, and appearing perrill effectually to succeed, in case the said dimission were received, brotherly requested the said Superintendent, in the name of God, to continue in his office till the next Asseembly, using such diligence therein, as he may reasonably without hurt or damage to his person: and for assistance and aiding of him in his travells, the Asseembly hath appointed Mr David Lindsay, Minister of Leith, or such two as he shall require within his bounds, who have promised to concur with him; and in the mean time the Asseembly shall procure at my Lord Regents Grace, provision to be made to him, and others of the like vocation and charge within the Kirk, for their stipend.

At the diet appointed Mr John Keith and Mr Andrew Simpson, for the Dean and Chapter of Murrey, to give in their replies to the animadversions produced be Mr Alexander Arbuthnet, Principall of the Colledge of Aberdeen, and his colleagues, against the process used be the said Dean and Chapter in admitting of the said Bishop of Murrey to the Bishoprick, conform to the last act of the Asseembly in this case; the said Mr Alexander and Mr George Hay, one of his colleagues, being personally present, compared the said Mr Andrew and Mr John Keith, and produced their replies in writt. The Asseembly continued their deliverance and answer in the said matter till the afternoon.

#### Sessio 5<sup>a</sup>

Anent the deliverance and determination of the General Asseembly upon the impugnations given in be Mr George Hay, Commissioner of Aberdeen, and his colleagues, against the process used be the Dean and Chapter of Murrey, in election and admission of the Bishop of Murrey to the said Bishoprick, produced by Mr Andrew Simpson and Mr John Keith, and upon the replies given in be the said Mr John and Mr Andrew, for the part of the said Dean and Chapter; the said Mr George and Mr Alexander Arbuthnet, one of his colleagues, being present, and the said Mr Andrew and Mr John likewise being personally present: the said Asseembly continued

the pronouncing of the deliverance and determination of the said matter to the tenth of this instant.

Sessio 6<sup>a</sup>.

The Assembly hath concluded commission to be given to their loved brother John Areskine of Dun, Superintendent of Angus, Mr George Hay, Commissioner of Aberdeen, Mr Alexander Arbuthnet, Principall of the Colledge of Aberdeen, Mr John Craig, Minister there, Robert Fairlie of Braid, John Heriot of Trabroun, or any three of them, to treat with my Lord Regents Grace, upon the heads and articles concluded in this Assembly to be presented be them to his Grace, for resolution and answer to be had thereupon, conform to the commission granted to them thereupon; whereof, with the tenor of the saids articles, the contents after follow; and ordaineth a supplication to be direct to his Grace for his Graces answer upon the saids articles.

The tenor of the Commission given to the Commissioners of the Kirk, for presenting the Articles to my Lord Regents Grace.

At Edinburgh the tenth day of August 1574, the Generall Assembly of the Kirk of Scotland, convened presently within the same burgh for intreating of such things as concern the glory of God and weal of the said Kirk, understanding be diverse complaints proponed to them, the iniquity that univerfally abounds throughout this countrey; as also having putt in consultation diverse heads most necessar and godly, for the weal of the Kirk of God, and establishing of the Evangell, wherein my Lord Regents Graces good assistance and help would be earnestly craved; Has given, granted and committed, and be the tenor hereof gives, grants and commits to their loved brethren, John Areskine of Dun, Superintendent of Angus, Mr George Hay, Commissioner of Aberdeen, Mr Alexander Arbuthnet, Principall of the Colledge thereof, Mr John Craig, Minister there, Robert Fairlie of Braid, John Heriot of Trabroun, or to any three of them, their full, free and plain power to pass to my Lord Regents Grace, and to present to his Grace humbly the saids heads and articles, which the said Assembly hath putt in writt, direct with them to his Grace

to reason and confer thereupon; and to require his Graces answer upon the saids articles, to be reported again be them to their next Assembly: firm and stable holding and for to hold whatfomever the saids Commissioners, or any three of them, in the premisses, to the glory of God and his Kirk righteously leads to be done. C.]

[The tenor of the Articles of the Generall Assembly of the Kirk of Scotland, to be proponed to my Lord Regents Grace be the Commissioners of the Kirk. C. & B.]

In the first, That stipends be grantit to Superintendents in all countreys destitute thereof, whither it be quher ther is no Bischops, or quher ther is Bischops and may not discharge thair cure, as the Bischops of Sanct Androes and Glasgow.

Item, That in all burrowstouns, quher the Ministers therof are displacit and serves in vther kirks, that thair Ministers quho servit them of besor, be restoreit againe to awaite on thair cures, and they be not obleist to any vther kirk; or els that vthers be placit in the saids townes.

Item, That his Grace will give commission to certaine gentlemen in every countrey, that incest, adulterie, witchcraft and sick odious crymes, quherwith the countrey is replenishit, may be punishit.

Item, That in every kirk destitute of Ministers, sick persons as are present and readie to be plantit, be placit, and stipends grantit vnto them; whose names salbe given vp be the Bischops, Superintendents and Commissioners.

Item, In respect that in the ecclesiasticall functioun ther is two only distinct offices of teaching, the Doctour that interpretes the Scriptures, and the Minister to preach and apply the same: That his Grace will take ordour, that Doctours may be placit in Univerlities, and stipends grantit vnto them; querby not only they quho are presentlie placit, may have occasion to be diligent in thair cure, but also vther learned men may have occasion to seik places in Colledges within this realme.

[Item, That his Grace will take ordour with the Ministers, to whom there was restand awand of the Collectors of the years bygane, certain rests that may be paid.

Item, That the saids Commissioners travell with his Grace for Mr John Davidson, anent his kirk. C.]



Item, That his Grace will take ane general ordour with the pure, especially in the Abbayis, sikk as Aberbrothock and vthers, conforme to the Act made at Leith; and in speciall to discharge teind sybowis, leiks, keale, ongoons, be ane act of the Secreit Counsell, quhill ane Parliament be conveinit, that they may be simpliciter dischargit.

Item, That his Grace will grant commiſſion to certaine persons in every dyocie to sitt in causes of divorcement, quher the parties are poore.

[Item, Because there are sundry Bilhopricks vacand, such as Dumblaine, Rolle and others, That his Grace wald take order that some qualified persons be provided thereto with diligence. C. & B.]

[Item, Because there are diverse Ministers, whose cures are augmented and stipends diminished, That his Grace take order therewith. C.]

Item, That his Grace wald cause the books of the Assignatioun of the Kirk be delyverit to the Clerk of the Generall Assemblies.

[Item, Forſamikle as there is diverse books sett out be Jesuits and other hereticks and erroneous authors, containing manifest contumelies and blasphemies against God, and his revealed truth, and yet are dayly inbrought in this countrey be Poles, crammers and others, to the heavy offence of the Kirk of God, That his Grace will provide remed.

Item, It is understand to the Generall Assembly be credible report of certaine learned men lately arrived within this countrey, that a French printer of the best renowned this day, nixt Henricus Stephanus, being banished with his wife and family from his countrey, hath offered unto them to come in Scotland, and to bring with him three thousand franks worth of books, and to print whatsoever work he should be commanded; in so much that there should not be a book printed in French or Almain, but once in the year it should be gotten of him, if he might have sure provision of a yearly pension of three hundred merk; which indeed is ane offer so comfortable to the countrey and Kirk, that it ought not to be overseen: That his Grace will consider the same offer, and take order therewith.

The form of the Supplication direct to my Lord Regents Grace be the Assembly, with the Articles.

The General Assembly of the Kirk of Scotland, convened at Edinburgh the 7 day of August 1574, to my Lord Regents Grace wisheth perpetuall prosperity, and increase of the Holy Spirit.

It will please your Grace: In this our late Assembly diverse great enormities and faults being found universally through the country, proponed for amendement thereof, and whereof very necessity craveth to have had correction; as also fundry other heads being putt in this consultation, very necessar and profitable for the advancement of the Kirk of God within this realme: most necessar it was thought of all, that your Graces help and assistance should be sought and implored thereunto, that the wrath of God, which presently hangeth over this realme be reason of the same enormities, may be taken away; and therefore we have direct commission to our beloved brethren, John Areskine of Dun, Mr George Hay, Commissioner of Aberdeen, Mr Alexander Arbutnot, Principall of the Colledge thereof, Mr John Craig, Minister thereof, Robert Fairlie of Braid, John Heriot of Trabroun, or to any three of them, with certain articles to be presented to your Grace for reformation of such things as are contained in the same; whereof we doubt not, seeing the same are both godly and honest, and for the weal of the Kirk of God, which we doubt not but your Lordship tenders, but your Grace will give a reasonable and godly answer thereto; seeing your Grace is and should be the father of the Kirk and common weal, which we recommended to your Grace, praying God to preserve the same in good estate, to the comfort of his Kirk, and the common weal of this realme. From Edinburgh the eleventh of August 1574.

Your Graces most humble Subject, Mr James Ritchie, Clerk  
of the General Assembly, at the commandment thereof.

Selfio 7<sup>a</sup>.

For reading and answering to the supplications and complaints given

to the Affembly, this prefent Affembly nominates and appoints their brethren, Mr David Cunninghame, Mr James Carmichael, Minifter of Hadinton, William Sanderfon, Minifter at Whittinghame, Alexander Fofter, Minifter at Tranent. C.]

Forfamikle as it is vnderftand to the General Affemblic of the Kirk, that ther is diuerfe perfons quho, in their wyfes tyme, committs adulterie with vther mens wyves, and thereafter, after thair wyves deceife, maries them quhom they have polluted in adulterie: Therfor it is ftatute and ordanit be this prefent Affembly, That Bifchops, Superintendents and Commiffioners of provinces charge all fick perfons fo joynit in that flanderous and vnleifum band, to feparate themfelves and abftaine fra vther, vntill the tyme it be decydit be the Judge Ordinar, Whither the faid mariage be lawfull or not, vnder the paine of excommunication to be execute againft diffobeyers.

[In the books of vifitation which fhall be prefented to the Affembly be the Bifhops, Superintendents and Commiffioners of provinces, it is ordained, That the names of their kirks be given up in fpeciall be them in the beginning of the faids books.

Anent Bifhops, Superintendents and Commiffioners of Kirks, who fhall be found negligent in their office, or doe not their dutifull charge, either in their vifitation, doctrine or life: The Affembly hath decreed and ordained, That they fhall be punifhed and corrected according to the quality of their faults, either be admonition, publick repentance, deprivation for a time, or deprivation fimpliciter, at the fight of the faid Affembly.

#### Seffio 8<sup>a</sup>.

Anent the time appointed be the General Affembly to pronounce their deliverance and answers upon the impugnationes produced be Mr George Hay and his colleagues, againft the procefs of admiffion and election of the Bifhop of Murrey, produced be Mr Andrew Simplon and Mr John Keith in name of the Chapter and Dean of Murrey, and upon the replies made thereto: The faid Affembly underftanding, That the faid Bifhop hath fpeciall intereffs in the faid caufe, and is not fummoned thereto, ordaineth a citation to be direct out for fummoning of the faid Bifhop, Dean and Chapter, in the premisses to the nixt Affembly; and appointeth John

Durie, Minister of Edinburgh, and Mr George Mackefone, Solicitor of the Kirk, to travell with the procurators of the Kirk, for libelling of the said fummons against them, and to see that diligence be used for railing thereof.

Ordains Mr Andrew Milne, Minister, to cause the Superintendent of Mernes and Angus to send over the Conference had at Leith, to be acted in the books of the Assembly. C.]

Tuiching the complaint made vpon the Bischop of Dunkeld, for ministration of the holy supper vpon worke dayes, at the kirks within his jurisdiction: It is thought good be the Generall Assembly, That the said Bischop forbear the ministration of the said sacrament vpon worke dayes, and cause it to be ministrat vpon the Sabbath dayes, according to the ordour of the rest of the kirks within this realme.

[Foranikle as in the acts of the General Assembly concluded of before, the said Bishop of Dunkeld was decerned and ordained to pronounce the sentence of excommunication against John Earle of Atholl, wherein notwithstanding nothing is proceeded, but the said act plainly contravened: Therefore it is statute and ordained, That the said Bishop proceed against the said Earle with the sentence of excommunication within 40 days next thereafter, under the pain of suspension of him from his said office; and to the observation of this present act, the said Bishop hath interponed his faithfull promise.

The same day, complaint being made upon John Brand, Minister of Halyrudhoufe, That he had not pronounced the sentence of excommunication against Alexander Bishop of Galloway, conforme to the act of the Generall Assembly made of before: It was statute and ordained, That the said John proceed against the said Bishop and pronounce the sentence of excommunication against him, if the said Bishop compeared not betwixt and Lambuels next, and satisfy the said Kirk, under the pain of deprivation of the said John of his office, in case he failzie therein. C.]

### Session 9<sup>a</sup>.

[Forfamikle as be imprinting and putting [to] light of works repugnant to the truth of Gods word, or containing manifest error, the weak ones of the truth may be heavily prejudged and seduced from the truth: There-

fore the Generall Affembly presently conveened, all in one voice have given power to their loved brethren, Mr Robert Pont, Proveft of the Trinity Colledge, Mr James Lowfone, Miniſter of Edinburgh, Mr David Fergufone, Miniſter of Dumfermline, Mr David Lindſay, Miniſter of Leith, Mr Clement Little, one of the Commiſſioners of Edinburgh, John Brand, Miniſter of Halyrudhouſe, or any three or four of them conjunctly, To viſite and overſee all manner of books or works that ſhall be proponed to be printed, and to give their judgement thereupon, if the ſame be allowable and approved be the Law of God or not ; their judgement and opinion thereof be their ſubſcription and hand writt to witneſs and teſtify for relief of ſuch as ſhall read the ſaid works : which commiſſion of overſight forſaid the ſaid Generall Affembly willeth to endure firm and ſtable to their next Affembly.

For reviewing and fighting of the hiſtory of Job compiled be Mr Patrick Adamſone in Latine verſe : The preſent Affembly hath willed their loved brethren, and the right honourable Mr George Buchanan, keeper of the Privy Seal, Mr Peter Young, Pedagogue to our Sovereign Lord, Mr Andrew Melvill, Mr James Lowſon, Miniſter of Edinburgh, to take travell in peruſing of the ſaid work ; and if the ſame be found be them agreeable to the truth of Gods word, to authorize the ſame with teſtimony of their hand writt and ſubſcription. C. & B.]

[Anent the petition of Mr Robert Pont and Mr Thomas Makcalgean, two of the Senators of our Sovereign Lord his Colledge of Juſtice, proponed in name and behalf of the ſaid Colledge, deſiring the Generall Affembly to provide, That the readers of ilk kirk note up the names of the perſons departed within their pariſhes yearly, and deliver the ſame to the Superintendents to be exhibite be them at ilk Affembly : For ſatiſfieng of the ſaid petition, it was thought good and delivered be the ſaid Affembly, That the readers at every kirk, in the Synodall Affembly preſent the catalogue of the names of the perſons deceaſed within their paroich to their Superintendents, to the effect that they may report the ſame to the Generall Affembly, to be delivered to ſuch as ſhall be appointed be the ſaid Lords for receiving of the ſame. C.]

For avoyding of Simonie in the Kirk, the hail Affembly of the Kirk, all in ane voyce, hes vottit, concludit and decreit, That all ſick perſons as either buyes or ſells benefices, or uſes any vther kynd of coupling thereof, either directlie or indirectlie, ſalbe depriyvit of all kynd of function within

the Kirk, and the discipline of the Kirk strike vpon them with all kynd of rigour and extremitie; and the buyers, fellers, or vtherwayes coupers of the benefices to tyne the same for ever.

It is ordained, That the Clerk of the Assembly receive of the Bishops, Superintendents and Commissioners, the names of the Ministers and readers provided since the decease of unquhill John Gray, late Clerk of the said Assembly, with the day and date of their admissions, to the effect their names may be insert in the books of the Kirk.

Ordains to writt to the brethren Commissioners appointed for presenting the articles concluded in this Assembly to my Lord Regents Grace, to receive the saids articles with their commission and supplication to his Grace; and, in speciall, to putt them in remembrance touching Mr John Davidsons Dialogue.

That the Bishop of Dunkeld, for his departing before the dissolution of this present Assembly, against the tenor of the act made the 13 of March 1572, be delated at the next Assembly.

The Commissioner of Cliddisdail, Ranfrew and Lennox resigned over in the hands of the Assembly his commission in these parts, praying the Assembly to provide some qualified zealous person in his place, that the country grow not to all kind of insolence and dissolution; which dimission the said Assembly, in respect of the present state and necessity of time, would not receive, requesting him brotherly to continue in his commission till the next Assembly, with such diligence in his office as he may reasonably use, that the Kirk be not destitute in the mean time.

The tenor of the commission given to Mr John Robertson and Robert Grahame, Commissioners of Cathness.

At Edinburgh, the eleventh day of August, the year of God 1574 years. The whole Kirk presently assembled, in one voice and mind, giveth full commission, speciall power and charge to their loved brethren, Mr Robert Grahame, Archdeacon of Ross, and Mr John Robertson, Thesaurer thereof, conjunctly and severally, to pass to the countries of Cathness and Sutherland, and there to visite Kirks, Colledges and Schools and other places needfull within the saids bounds, and in the same to plant Ministers, Readers, Elders and Deacons, Schoolmasters and others members necessary and requisite for erecting of a perfect reformed Kirk; suspend

for a time or simpliciter deprive such as they shall find unworthy or not apt for their office, whither it be for crimes committed or ignorance ; abolish, eradicat and destroy all monuments of Idolatry ; establish and sett up the true worship of the eternal God, as well in Cathedrall and Colledge Kirks, as in other places within the saids bounds, conform to the order taine and agreed on in the Book of Discipline ; and also to search and inquire the names of all these that possess benefices within the saids bounds, at whose provision they have been ; and if any vaikie or happen to vaikie within the Commissionary, to confer and give the same to the persons qualified, and being presented be the just patrons of the same, the due examination preceeding, to reject and refuse such as they shall find unable and not apt thereto, as they will answer to God and the Kirk thereupon : Their diligence to be done therein with their presents, to report them to the next Assembly, where it shall happen to be holden for the time. Given in the Generall Assembly and 9 Session thereof. Subscribed be the Clerk of the same, day, year and place forsaid.

#### Sessio 10<sup>a</sup>.

Anent the answers reported from Mr Robert Hamilton, Minister of Sanct Andrews, direct to the Moderator present, to the bill direct from the Assembly to him for his compearance before them to answer super inquirendis, excusing him be the busines of the Colledge, and be the Superintendent of Stratherne who declared to him that the Assembly was to dissolve incontinent : The Generall Assembly of the Kirk giveth commission to Mr John Spotswood, Superintendent of Lothian, Mr Robert Pont, Provest of the Trinity Colledge, Mr David Lindfay, Minister at Leith, John Brand and the Kirk of Edinburgh, with any three of the fornamed persons, conjunctly to summon the Ministers, Elders and Deacons of Sanct Andrews to compear before them and to try the cause, why the Fast was not kepted among them according to the Act of the said Assembly ; and of the violation of the Sabbath day by profane playes, and such other things as they shall inquire of them at their coming ; and what beis done be them hereinto, to certify the brethren in their next Assembly.

The brethren underwritten, they are, to witt, Mr Robert Pont, Provest



of the Trinity Colledge, and the rest of the Commiſſioners depute be the Kirk to the conference with my Lord Regents Graces Commiſſioners, reproduced in plain Aſſembly the tenor of the ſaid conference, hinc inde in writt ; which conference the ſaid Aſſembly cauſed deliver to Mr George Mackeſone, Soliciter for the Kirk, to be copied and given out in examples to the Biſhops, Superintendents and Commiſſioners of the Kirk and Miniſters, as he ſhould be required upon their reaſonable charges.

Queſtio, To the queſtion moved to the Aſſembly, C.] Whither if the parochiners of a towne, or the Proveſt and bailies thereof, ought to have the electioun of thair awin belman and Clerk : It is anſuerit, That ſick as payis them ſould chooſe them.

[The brethren appointed for viſitation of the books of Biſhops, Superintendents and Commiſſioners of provinces, gave their judgement thereof in writt to the Aſſembly.

Forſamikle as it is neceſſar, in caſe of the Aſſembly of the Eſtates of the realme or Parliament, that the Kirk be reſolved in ſuch things as they have to propone to the ſame, which neceſſarly requires a certain ſpace of before : Therefore C.] The brethren hes thought good, in caſe of any Parliament to be haldin, or any vther weghtie cauſe requyreand neceſſarlie the preſence of the body of this hail Aſſembly, That the Superintendent of Louthiane, Mr James Lowſon, Miniſter of Edinburgh, Mr David Lindefay, Miniſter of Leith, make lafull premonitioun and advertiſement to thair brether, to be preſent vpon ſick competent ſpace befor as they ſhall think needfull ; quhilk Convention of before ſalbe recountit for ane Aſſembly.

That abſents from this Aſſembly be ſumound to the nixt Aſſembly to heir them convict of abſence ; and puniſhment to be joynit to them at the ſight of the Kirk.

A. D. M.D.LXXIV.

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THE Generall Asseembly begun and haldin at Edinburgh [Counfell house] the vij day of Marche 1574: In the quhilk were present Earles, Lords, Bischops, Superintendents, Commissioners to plant Kirks, Commissioners of Provinces, Townes, Kirks, Vniversities, and Ministers. James Bischop of Glasgou, Moderatour.

Sessio 1<sup>a</sup>.

[IN the trial of Superintendents, Bischops and Commissioners, The Superintendent of Angus was complained upon, that quires within his diocy were ruinous: He answered, He had appointed takmasters within every paroich, raised letters and used diligence, and farther upon his own cost supported diverse quiers as he might.

The Bischop of Dunkeld was delated, for not proceeding against the Earle of Atholl to excommunication; that he departed from the last Asseembly before the dissolving thereof; for making Simoniacall pactiōn with unquhill Archibald Earle of Argile. To the first he answered, That he had used admonitions against the Earle of Atholl, who desired some conference of godly and learned men, to the effect he might be resolved in such doubts of religion as presently move him, seing that hitherto he hath not heard preaching; and required the aid of the Superintendent of Angus, the Superintendent of Lothian, Mr John Winram, Prior of Portmook, Mr James Lowson, Minister of Edenburgh, Mr George Hay, Commissioner of Aberdeen. The Superintendent of Lothian was absent: But the Asseembly ordained the rest, or any three of them, to confer with his

Lordship afternoon, and to confer with him upon such heads of religion as he standeth unresolved in, and to report his answer to the Assembly. To the second he answered, That he being advertised of a bairne deadly sick who soon after departed, went in haste out of the town, without advertisement of the brethren ; and if this excuse was not sufficient, was content to underly the will of the Assembly for a penalty. To the third he answered, He made no paction for the promotion of him to the Bishoprick, but refused when he was required.

Session 2<sup>a</sup>.

The Bishop of Brechin complained upon the Bishop of Dunkeld, That in the last Assembly he should have alledged that he was compelled by the Earle of Argile, now resting with God, to give out pensions, which alledgance was a slander of the Nobleman departed, and desired it to be proven. The Bishop answered, That he declared he was pressed by the said unquibill Earle of Argile to doe something against his will. He shall give in writt his declaration wherein he was pressed ; and if he have failed in terms, he shall refer him to the brethren. The brethren appointed him to exhibite the declaration in writt upon Wednesday.

The Bishop of Murrey removed, It was remembered by some of the brethren that the question is yet undecided, if he be Bishop lawfully chosen or not ; which must first necessarily be resolved, before he be tryed in life and doctrine as a Bishop. The Assembly deputed their brethren underwritten, Mr John Winram, Prior of Portmook, &c., Mr Andrew Hay, Commissioner of Ranfrew, &c., Mr David Cunninghame, Mr Andrew Melvill, Principall of the Pedagogie of Glasgow, to convene the morne at seven hours, and advise with the process of the said Bishops election, and thereafter give their opinion and judgement anent the said question.

The Bishop of Glasgow being removed, It was complained, that sundry Papists are within his bounds adjoined to the Kirk, and yet doe not communicate ; and that a great number of kirks within his diocye are ruinous. To the first he answered, It was true, but he desired the Assembly to prescribe such order and discipline as should be used against them, which he promised to follow. And as to the ruinous kirks, It is not in his power to repair the same ; albeit he had used the common order for reedifieng of them.

Mr George Hay, Commiffioner of Aberdeen, was complained upon, That the Synodall Affemblies were not kept by him; and a day being appointed for the Synodall Affembly, he difcharged the fame; and further, that none of the Minifters, betwixt Dee and Spey, conveyed to this Affembly: next, That the moft part of the kirks were ruinous through his diocy: and laft, That there was no difcipline ufed againft hainous offenders within his bounds. To the firft he answered, That the Synodall Affemblies were kept; and that the Affembly appointed to be holden in Turreff was difcharged by him, becaufe he might not be prefent thereat, being occupied in reconciling of the deadly feid; as for the Minifters who were abfent, they had promifed to be prefent, namely Mr Craig, who had fent his excufe in a letter. As for the fecond, He had appointed tack-mafters, and ufed the order that became him. What he had done for correcting of vitious perfons and injoining difcipline to them, referred to his books of vifitation.

Mr Patrick Adamfon, Commiffioner of Galloway, confeffed he had not ufed that diligence which lyeth to the full execution of his office, becaufe no flippend was appointed for the fame; and yet did *pro virili*.

Mr John Row, Minifter of Perth, detained in his bed by the fever, fent his excufe to the Affembly, and willed them to appoint fome learned men for further triell of Mr Andrew Grahame, fon to the Laird of Morphie, prefented by my Lord Regents Grace to the Chapter of Dumblane, to be promoted to the Bifhoprick thereof. The Affembly directed the faid Mr Andrew to give proof of his doctrine before the whole brethren who fhall be affembled in the Counfell houfe, the morne at eight hours, upon the text appointed by them to him.

The brethren appointed to confer with my Lord Atholl, reported, That he was not fully refolved in fundry heads of religion, and defired he might have fome conference with fome of the graveft of the Miniftry, as the Superintendent of Angus, the Prior of Portmook, Mr James Lowfon, Mr George Hay, Commiffioner of Aberdeen, promifing of his honour, that he fhould affift my Lord Bifhop of Dunkeld for punifhing of offences within his bounds, and fetting forward of his Synodall Affemblies, and that no flander or offence fhould be found within his houfe. The Affembly appointed the fame brethren to confer and reafon with him till the morne.

Sessio 3<sup>a</sup>.

Anent the judgement of the brethren, touching the question anent the triell of the Bishop of Murrey: The Assembly findeth it meet, and ordaineth their brethren, appointed before to deliberate upon this difficulty, to propone their judgement therupon at afternoon.

After the exercise made be Mr Andrew Grahame, elect of Dumblane, the Assembly, for better triell of the said Mr Andrew his doctrine and erudition, appointed Mr James Lowson, Minister of Edinburgh, Mr Andrew Hay, Commissioner of Ranfrew, Mr John Winram, Prior of Portmook, Mr Robert Matlane, Dean of Aberdeen, Mr George Hay, Commissioner of Aberdeen, Mr David Cunninghame, Mr Andrew Melvill, to try the said Mr Andrew be questions on the Scripture, at two afternoon; and so many as were present before, to be present at this triell.

The Assembly findeth it meet, that the Earle of Atholl his demand be given in writt with his offers, and appoints Mr David Lindsay, Minister of Leith, and Mr George Hay, Commissioner of Aberdeen, to require the same of his Lordship; who, at the same instant, being dispatched from the Assembly to the Earle, returning, reported, That his Lordship futed a delay, while he might have consultation of learned men to the resolution of difficulties; and what he had promised of before, of his honour he should keep the same to the least point. The Assembly earnestly craving the saids Lords conversion, and willing to win him be all means possible, that he might be joined to the Society of the Kirk, assigneth to the said Lord, betwixt and Midsummer nixt, to be resolved in the points of religion; and if he failzie therein betwixt and the said day, and continueth in his former opinion, standing obstinat therein, ordaineth the Bishop of Dunkeld to proceed against him with excommunication, under the pain contained in the Assembly preceeding made thereupon: And, in like manner, to proceed with the same sentence against his Lady, if, betwixt and the said day, she join not herself in like manner to the religion, according to the order presently established; with admonitions in the mean time to be made to that effect.

Touching the complaint of the Bishop of Glasgow, that his bounds belonging to his jurisdiction was so large and wide, that one person was not able to visite and oversee them: Whereof the Assembly having con-

lideration of before, gave commiffion to Mr Patrick Adamfon and Mr Andrew Hay, to vifite certain parts and bounds limited in their commiffions, who, for inlaik of fipend, may not await thereupon: And feing he payeth his thrid, and cannot upon the two part fuftain them, defireth the Affembly to take order herewith: Who ordained ane humble fupplication to be made to my Lord Regents Grace for providing the faids Commiffioners for byganes, till farther order be taken, to be prefented to his Grace be John Arefkine of Dun, and Mr James Lowfon, Miniſter of Edinburgh, and to report his Graces anſwer the morne.

In name of my Lord Maxwell, Lord Hereis, Laids of Dumlanrig, Clofeburn, Larg, James Crichton of Garko, prefented a letter to the Affembly, wherein they lamented, that theſe three years bygane, their bounds, for laike of Superintendents and viſiters, had become altogether forgettfull of their duty toward God, and altogether before this time had fhaken off obedience, if Mr Peter Watfon had not taken pains to vifite, and water the poor ones with the Evangell; deliring therefore the brethren to give commiffion to the faid Mr Peter to vifite the faids bounds, as their letter dated at Dumfreis, ſubſcribed with the faid Noblemens hands the        day of February 1575, bears: Wherewith the faid Affembly being adviſed, commending the zeal of the faid Noblemen, hath given, and be thir preſents gives commiffion to the faid Mr Peter to vifite the bounds of Nithifdaill, [and] Annandaill, conform to the commiffion given to him to that effect, till the nixt Affembly.

In like manner, The Affembly giveth commiffion to their brethren, Mr Andrew Clayhill to vifite the bounds of Tiviotdaill and Tweeddaill, and to plant Miniſters, &c., conform to the commiffion given to him thereupon.

Sicklike, Giveth commiffion of a Superintendthip to Mr John Winram, Prior of Portmook, in the bounds of Fife and Stratherne, exeeming the bounds appertaining to the Biſhop of Dunkeld.

The Superintendent of Angus and Mernes continued in his office till the nixt Affembly, and the Biſhop of Brechin required to be preſent with him at viſitation, that he may ſee the order and proceeding uſed be the Superintendent in his office.

For ſatiſfieng the complaint given in againſt the Biſhop of Dunkeld, for not appointing of Miniſters to Preſton and Bonkle, The Affembly ordaineth the Biſhop to plant Miniſters at the faids kirks, and to vifite the ſame, that no farther complaint be heard.



Sessio 4<sup>a</sup>.

For reading and answering of bills and complaints, The Assembly appoints their well beloved brethren, Mr Patrick Adamson, John Brand, Mr Gilbert Gardin, Minister at Elgine, and George Scot, to convene in the Ile of the kirk, at seven hours in the morning, and at one afternoon, till the same be wholly resolved and answered, and to remitt such as they find doubtfull to the consultation of the whole Assembly.

Anent the supplication given in be Alexander Bishop of Galloway, desiring the Generall Assembly that he may make satisfaction in any kirk to be commanded be them, without sackcloth, and namely within his own jurisdiction, seeing that, by reason of his non compareance before them, he was ordained to be excommunicat, then being at the horn and unable to compare, as the same at length bears: The said Alexander removed out of the Assembly, the brethren after long disputation whither the said decreet ought to be satisfied, notwithstanding the alledgance of horning, or if he should be heard, notwithstanding the decreet given against him, to answer to the accusations which of before were laid to his charge, Found in respect of the alledgit impediment of horning, that once yet he should answer to the same accusations. And being called in Assembly, the particular heads of accusation, contained in the books of the Assembly, read in his presence, answered to every accusation orderly: And to the first, That he was compelled be authority that then was to accept the Ministry, and was chosen be the flock then present: And to the second, Grants he preached the Queens authority to be lawfull, and enjoys the priviledge of the Pacification: To the thrid, He made prayers for her, and otherwise would not have been suffered to preach: And as to the condemning and accusing of the Ministers, Denyes the same, with the ferd accusation: And as to the fift, answered, That he with certain others in the first Regents time in Parliament, protested, that in case the Queen were sett at liberty, that their promise and faith were fred: and denyeth the sixt accusation, with protestation to the Assembly, that they would have some consideration of his case, seeing in Gods presence he damns his former offences. Who being removed again out of presence, after deliberation and long reasoning upon the whole circumstances and estate of the matter, with consideration of my Lord Regents Graces request made in his favours, the



brethren ordained the said Bishop to appear before the Kirk of Halyrud-houfe, without fackcloath, upon Sunday nixt to come, and in prefence of the congregation therein convened, humbly to confefs his offences and ask the Eternal God mercy.

The brethren depute to the penning of their judgement upon the question moved upon the Bishop of Murrey his triell, gave in their opinion in thir words: That they think it needfull, in refpect of the fufpicion conceived be the triall of his doctrine and manners, that he give perfonally fuch tryal of his doctrine as the fhortnefs of time will permitt; and ficklelike, that he make his purgation of the slanderous crimes whereof he was accused in the Affembly before, without prejudice of the procefs depending. The determination hereof the brethren referved till the morne.

#### Seflio 5<sup>a</sup>.

For vilitation of the books, The brethren appoints Mr James Melvill, Mr James Hepburne, Mr Adam Blackhall, Mr Andrew Clayhills, Mr Peter Primrofe, to concurr and meet at two hours afternoon where they think expedient, and continue in perufing thereof, while the fame be thoroughly read and confidered, and to report to the Affembly what they find in the fame.

The Superintendent of Angus and Mernes reported my Lord Regents Graces answer anent the Commissions of the Bishop of Glasgow and Superintendent of Lothian, That his Grace promised to take order therewith.

Anent the judgement of the brethren depute to the triell of the Bishop of Murrey, referved to this days determination: The whole Affembly, according to the opinion of their said brethren, thought their judgement moft probable; therefore calling in the said Bishop, demanded, How he had fatisfied the act of Affembly, concerning the purgation of the slander: who answering, That he come before the Bishop of Sanct Andrews now refing with God, and fatisfied the said act, whereof notwithstanding he had no witneffes to affirm his affertion. The General Affembly gave commiffion to their brethren, the Superintendent of Fife, Mr James Wilkie, Rector of Sanct Andrews, Mr William Cooke, Commiffioner of Sanct Andrews, present, to take the faids Bishops purgation of the said slander

the morne, in the said manner as he should have done before the Bishop and Kirk of Sanct Andrews; and because he is presently under medicine, that he may not travell for teaching to give proof of his doctrine, deposes their brethren, Mr John Winram, Superintendent of Fife, Mr George Hay, Commissioner of Aberdeen, Mr Andrew Melvill, to conferr and reason with him upon the points of religion the morne at seven hours, and what they find thereanent to report to the Assembly.

Anent the opinion of the brethren appointed to visite the process of the election and examination of the Bishop of Ross: The whole Assembly, according to their judgement, found it meet, that he give new proof of his doctrine and literature in presence of the Assembly, upon Saturday at eight hours, and appointed to him the last part of the first chapter of Zechary.

Because in the Assembly holden in August last, ane act and ordinance was made for summoning of the Chapter and Bishop of Murrey, to hear triell taken of the process of his election, wherein notwithstanding nothing is done nor putt in execution be the brethren appointed to take triell therein, be reason of pretended ignorance of the said ordinance; therefore be universall consent of the brethren, it is now concluded, That a citation be directed out against the said Chapter, and Bishop for his intres, for production of the said process in the Assembly next to come, to hear and see triell taken thereof, with certification if they compare not, the same shall be declared null and void in the self; and for execution of the said summons, the said Assembly hath appointed Mr Robert Grahame, Commissioner of Ross, now present and accepting the charge.

For redressing of the general complaint made be sundry brethren, That the exercise within towns is dishaunted, and that Bishops, Superintendents and Commissioners are not so diligent as duty requireth to attend the keeping thereof, the same being so necessary a mean to the furtherance of the course of true doctrine: It is statut and ordained, That all Bishops, Superintendents and Commissioners within their bounds be carefull and diligent to enterteane the said exercise upon the days appointed thereto, and specially the Superintendent of Fife.

The Assembly appoints the morne at two hours to the Commissioners appointed to the conference with Mr Andrew Grahame, elect of Dunblane, to conferr and reason with him as was enjoyned before. C.]

Sessio 7<sup>a</sup>.

Forfameikle as the greateſt part of the doctōrs and interpreters of the Scriptures that hes travellit in the interpretation and expolitioun of the ſame, hes wrytin and comentit in the Latine tongue, and therfor it is thoght neceſſar for ſick as enters in the functiō of the Miniſtrie, to have vnderſtanding and knowledge of the ſame : Therfor the Generall Aſſembly of the Kirk hes votit and concludit, That, fra this tyme foorth, nane ſalbe admittit to the functioun of a Miniſter within the Kirk, be the Biſhops, Superintendents and Commiſſioners of countreyis, but ſick as hes vnderſtanding in the Latine tongue, and are able to interpret the Comentares wrytin in the ſame language, and ſpeake congruous Latine, except ſick as be examination of the Generall Aſſembly of the Kirk, for thair ſingular graces and gifts of God, ſalbe ſound able be them to uſe thair functiō without knowledge of the Latine tongue.

[Seing not only it becomes the true Meſſengers of the Word of Salvation to bear in their conſcience a good teſtimony of unfained humility and ſimplicity of their hearts, but alſo in externall habit and behaviour to repreſent the ſobriety and humility of their minds, that the mouths of the godleſs generation which are opened to blaſpheme the godly calling of the Miniſtry, may be ſhut up from juſt accusation and ſlandering of the ſame ; therefore, be determination of the whole Aſſembly, it is ſtatut and ordained, That all that ſerve within the Kirk apparell themſelves in a comely and decent cloathing, as becometh the gravity of their vocation, and that they conforme their wives and families thereto, that no ſlander nor offence ariſe to the Kirk of God therethrough. And to the effect it may be notified to the whole brethren, what ought to be eſchewed in apparell, the Aſſembly hath injoynd the loved brethren, John Areſkine of Dun, Superintendent of Angus and Mernes, Mr Andrew Hay, Commiſſioner of Ranfrew, &c., Mr James Lowſon, Miniſter of Edenburgh, Mr John Winram, Superintendent of Fife, Mr George Hay, Commiſſioner of Aberdeen, to adviſe thereupon the morne at ſix hours in the morning.

Forſamikle as it is conſidered, that the playing of Clerk playes, comedies or tragedies upon the Canonical parts of the Scripture, induceth and bringeth with it a contempt and profanation of the ſame ; therefore C.] It is thoght meit and concludit, That no Clerk playes, comedies or

tragedies be made of the Canonickall Scripture, alſweill new as old, neither on the Sabbath day nor worke day, in tyme comeing ; the contraveiners heiroy, (if they be Miniſters) to be ſecludit fra thair function, and, if they be vthers, to be puniſchit be the diſcipline of the Kirk : and ordaines ane article to be given in to ſick as fitts vpon the policie, that, for vther playes, comedies, tragedies, and vthers profane playes as are not made vpon authentick partes of the Scripture, may be confiderit befor they be proponit publicklye, and that they be not playit vpon the Sabbath dayes.

### Seflio 8<sup>a</sup>.

Anent Miniſters proceeding to the mariage of parties, lafull impediment being proponed vnto them, quhilk afterhind is tryit and found to be of veritie : The haill Affembly referris the diſcipline to be vſit agains ſick perfons, to the Biſhops, Superintendents and Commiſſioners of the countreyes quher they ſerve.

[Anent the report of the Biſhop of Murrey his purgation for the ſlander of fornication, as well befor his inauguration as ſenſyne, and ſicklike of his doctrine : The Superintendent of Fife, one of the brethren, appointed to that effect, reported, That the ſaid Biſhop was content to purge himſelf befor the ſaid Superintendent and Kirk of Sanct Andrews, if it be not found in the books, that he had not purged himſelf of befor, and ſince his inauguration ; and becauſe he is under medicine and ſickly, and cannot preſently give ſpecimen of his doctrine, deſired a delay. The Affembly as of befor, ordaineth the ſame Commiſſioners appointed as of befor, to paſs to the ſaid Biſhop the morne, and to report his purgation vpon the firſt head of the ſlander of fornication befor his inauguration, and to conſerr with him in his doctrine according to the ordinance preceeding.

Anent the ſupplication given in to the Generall Affembly be Mr Thomas M<sup>c</sup>Kalgean of Crichtonhall, one of the number of our Sovereign Lords Colledge of Juſtice, making mention, that where vpon his late ſupplication preſented in their laſt Generall Affembly, touching his not admitting to the holy Sacrament of the Supper, they, be their act and ordinance, ordained Mr Robert Pont, Proveſt of the Trinity Colledge, the Miniſters of Leith and Cannongate with the Kirk of Edinburgh, to take triell, if his remaining in Edinburgh a certain time of the late

troubles was be compulsion, &c. ; and if it was so found, to mitigate their act, &c. : For taking of the which triell he hath infisted often times, and they conveneing together have putt no end thereto, but for some good consideration, as he supposes, hath remitted the cause unto their Wifdoms : wherefore most humbly beseeching them, since his remaining within this town is notoriously knowen to have proceeded from compulsion, just fear and dreadour, that they would take such order, as he may be admitted to the next communion which is to be celebrate in this town. The said Mr Thomas being personally present, and the Commissioners appointed in the last Assembly for taking triell, If the said Mr Thomas remained in the town of Edinburgh for just fear and dreadour, which might fall in a most constant man, compearing be Mr James Lowson, Minister of Edinburgh, and their process being read and considered in open Assembly, the said Mr James, in name of the Kirk of Edinburgh, being required, Why the said Kirk admitted not the said Mr Thomas to the communion, answered, For two causes ; first, Because the Kirk of Edinburgh received none that remained within the town in time of rebellion, without first compearing before them, and submission of them to the Kirk ; and secondly, That he was an elder and bare office within the said town. The Assembly notwithstanding having considered the qualification of the said Mr Thomas just fear remaining within the said town, voted and concluded the said Mr Thomas oath to be taken, If upon just fear he remained within the said town, and bare office, as said is ; who being called on, and re-entring, declared in his conscience, That he remained, as said is, within the said town, and bare office therein, for most just fear and dreadour, which might fall in a constant man : Therefore the said Assembly taking consideration of the said Mr Thomas declaration, as said is, ordains the Kirk of Edinburgh to admitt the said Mr Thomas to the next communion and participation of the Sacrament to be celebrate within this town ; the said Mr Thomas appearing before the pulpit of Edinburgh in his own gown, and making repentance for his said offence in the face of the congregation ; and thereafter giving to the poor the gown, wherein he maketh the said satisfaction, or else the price thereof.

For reading and answering the bills : The brethren appoint Mr Patrick Adamson, Minister of Paisley, John Brand, Mr James Melvill, Mr Robert Montgomery, to convene the morne at six hours, and so to continue till the famine be answered. C.]

Sessio 9<sup>a</sup>.

Anent the difficultie proponit vpon the presentatioun of Mr Andro Grahame, presenting him to the Bischopricks of Dunblane, vnder the name of ane preacher, although he had bein none: The Kirk finds that finall conclusion is not yet had, That all Bischops shoud be first preachers, and alwayes, if he be qualified, the presentation to be obeyit; and yet, for farther tryall, appoints him to exercise vpon Wednesday next in the Magdalene Chappell before the Bischops, Superintendents and Ministers that may be present, and speciallie the Minister of Edinburgh, and so many of the Chapter as may be ther, at ten houres afternoone, vpon the beginning of Romans 5.

[Because it is generally complained be the brethren, that the Acts of the Assembly concerning universally the whole Kirk, as also fundry questions coming in dayly use in particular Assemblies, and resolved in the Generall Assemblies of before, are not come to their knowledge, which were most necessar to be known and notified to the whole brethren, that none should pretend ignorance thereof: For remeed hereof, C.] The Assemblie hes willit thair lovit brether, Mr Robert Maitland, Deane of Aberdeine, Robert Pont, Provest of the Trinitie Colledge, Johne Brand, James Carmichaell, [Minister of Haddington,] to take travell in visiteing and perusing of the saids acts; and sicker as are generall with the Generall Assemblies, to marke and note the samein, that thereafter they may be drawin and extractit out of the bookes, that all pretext of ignorance may be tane away.

[Anent the policy and jurisdiction of the Kirk: The Generall Assembly of the Kirk ordains the brethren that hath travelled and written in this argument, to meet the morne at seven hours in Mr James Lowson his chamber, and to conferr their labours and writing, to be presented thereafter to the whole Assembly.

The Generall Assembly of the Kirk nominateth any two of their brethren after specified, whom it shall please my Lord Regents Grace to accept, to wit, Mr Robert Pont, Provest of the Trinity Colledge, Mr Andrew Hay, Commissioner of Cliddisdall, Mr Patrick Adamstone, Minister of Paisley, Mr John Row, Minister at Sanct Johnston, John Duncanson, Minister of the Kings house, Mr Andrew Melvill, Principall of the Pedagogie



of Glasgow, in the place of Mr Alexander Arbuthnet, Principall of the Colledge of Aberdeen, and Mr John Spotfwood, Superintendent of Lothian, to concurr and reason with my Lord Regents Grace his Commissioners upon the jurisdiction and policy of the Kirk, at such time as they shall convene; and what beis condescended to be his Grace, ordains them to remain and await thereupon, as they will answer upon their obedience to the Kirk: and after that the said conference is ended, the saids Commissioners to bring the copies thereof with them in all provinces, to be shewen to the Ministers of the same, to the effect they may be the better resolved, when matters shall come to open reasoning.

Sessio 10<sup>a</sup>.

Anent the ordinance given to Mr John Winrame, Superintendent of Fife and his colleagues, to take the purgation of the Bishop of Murrey concerning the slander of fornication, conform to the acts of the Assembly made of before, and to conferr and reason with him upon the heads of religion: The Assembly as of before appointed the said Bishop being present, the morne to make his purgation of the said slander to the Superintendent of Fife and his colleagues depute be them before thereto, and ordaineth them to report their opinion of his knowledge in the Scriptures to the rest of the brethren, with his purgation, the same day.

Sessio 11<sup>a</sup>.

According to the ordinance and appointment of the Generall Assembly, for tryall of the doctrine and ability of Mr Alexander Hepburn, elect of Rosse, the said Mr Alexander, in assembly of the greatest part of the brethren, exercised upon the last part of the thrid chapter of Zechary, as was enjoined to him be the Assembly; and after removing out of the Assembly, the brethren with one consent approved the said exercise and doctrine, and praised God for the same.

The Assembly ordaineth ane article to be given in to them that reason upon the policy and jurisdiction of the Kirk, that a law be made, That no Bishop be elected to a Bishoprick be the Chapter, before he give proof of



his doctrine before the Generall Assembly, and triell be taken be them of his doctrine, life and conversation: And, in the mean time, the said Assembly discharges and inhibites all Chapters, that they proceed not to the election of any Bishop, as said is, without triell taken before of his doctrine and conversation before them; and thereafter he report his testimony of the said Assembly to the Chapter, that thereafter they may proceed to his election.

Forasmikle as it is complained be diverse within the Kirk, that such as were Papists, and have since the Act of Parliament made confession of their faith, have notwithstanding as yet no ways participate of the holy Supper of the Lord, pretexting vain excuses, wherethrough it appeareth that they were never in heart truly converted to God: Therefore C.] It is statute and ordainit, That the Bishops, Superintendents and Ministers in all parts, admonish sitch as were papists, and hes sen the Act of Parliament made confession of their faith, and notwithstanding hes no wayes get participate the holy Supper of the Lord, to participate the Sacrament with the rest of the congregation; and if they disobey, to be haldin as relapse, and to proceed aganis them as relapse with the sentence of excommunication.

[The brethren having consideration that their brother Mr John Spotfwood, Superintendent in Lothian, is become sickly and not altogether able, in his own person, presently to visit the whole bounds allotted to him in Commission; and understanding that their brother Mr James Lowson, Minister of Edinburgh, is purposed to pass through the Countrie and visit the said bounds, hath thought meet and ordained the said Mr James to support and aid the said Mr John in his office of visitation, and to make such supplie to him therein as he goodly may to the next Assembly.

Alexander Arbuthnot, burghers of Edinburgh, presented to the Assembly certain Articles for printing of the English Bible, quherof, with the answers of the brethren, the tenor followeth.

The Articles given in to the General Assembly concerning the Printing of the Bible, with the answers of the Kirk thereto.

Imprimis, Anent the godly proposition made to the Bishops, Superintendents, Visitors and Commissioners in this General Assembly be Alex-

ander Arbutneth, Merchant burges of Edinburgh, and Thomas Baffanden, Printer and burges of the said burgh, for printing and setting forward of the Bible in the English tongue, conform to the Proof given and subscribed with their hands: It is agreed betwixt this present Assembly and the said Alexander and Thomas, That every Bible which they shall receive advancement for, shall be sold in albis for four pound thirten shilling 4 pennies scotts, keeping the volum and character of the saids Proofs delivered to the Clerk of the Assembly.

Item, For advancement of the godly and necessary work and furtherance thereof, and home bringing of men and other provisions for the same: The Bishops, Superintendents and Commissioners bearing charge within this realm, underwritten, viz. James Archbishop of Glasgow, Moderator, &c., have in presence of the said Assembly faithfully bound and obliged them and every one of them, That they shall travell and do their utter and exact diligence for purchasing of such advancement as may be had and obtained within every one of their jurisdictions, at the hands of the Lords, Barrons and Gentlemen of every paroch; as also with the whole Burrows within the same; and shall try how many of them will be content to buy one of the saids volumes, and will advance voluntarily the foresaid price, whole, or half at the least, in part of payment, and the rest at the receipt of their books; and shall try what every burgh will contribute to the said work, to be recompensed again in the books in the prices foresaid; and so many as be content to the advancement of the work foresaid, that the said Bishops, Superintendents and Visitors collect the saids summs and inroll the samen with their names what every one of them gives; which roll subscribed with their hands, and money, shall be sent be them to the said Alexander and Thomas, betwixt and the last of Aprile next to come, and shall receive upon their deliverance of the saids summs and rolls the said Alexander and Thomass handwritt; to the effect they and their cautioners may be charged for the said books, conform to their receipt.

Item, That every person that is provided of old as well as of new, be compelled to buy a bible to their paroich kirk, and to advance therefore the price foresaid, and the said prices to be collected and inbrought be said Bishops, Superintendents and Visitors within each bounds and shire within their jurisdiction, betwixt and the last day of June; and because the said act appertains and is expedient to be ratified be my Lord Regents

Grace and the Lords of the Secret Council, and an act of Council to be made thereupon: The Assembly ordains Mr David Lindsay, Minister of Leith, Mr James Lowson, Minister of Edinburgh, and Alexander Hay, Clerk of Council, to travell with his Grace and Lordships for obtaining the famine, together with the priviledge of the said Alexander and Thomas for imprinting of the said work. The Kirk ordains the said Mr James and Mr David to travell with Mr Andrew Polwart and Mr George Young, or any of them, for correcting of the said Bible, and to appoint a reasonable gratitude therefore at the cost of the said Alexander and Thomas.

Item, The Kirk hath promised to deliver the authentick copy, which they shall follow, to them betwixt and the last day of Aprile.

Item, For reforming of the said work be the said Alexander and Thomas; they have found cautioners, Archibald Seingeur and James Norvell burghes of Edenburgh, with themselves conjunctly and severally, that they shall deliver so many books as they shall deliver advancement for perfecting of the said work, which shall be, God willing, betwixt and the last of March the year of God 1576 years; and the said Alexander and Thomas are bound and obliged to relieve them. Sic subcribitur Alexander Arbuthnet with my hand, Archibald Seingeour, James Norvell with my hand, Thomas Baffanden with my hand.

Answer of the Generall Assembly to the saids Articles in their order.

To the first article, answered, Referses the process to the Counsell.

To the second, The Kirk promises faithfully.

The Kirk gives Commission to the persons following, to wit, to Mr Robert Pont, Mr James Lowson, Mr David Lindsay, Mr James Carmichael, Mr Andrew Polwart, Mr Peter Young, or any three of them, to oversee every book before it be printed, and likewise to oversee the labours of others that have travelled therein, to be given in to the printing betwixt and the last of Aprile.

Forasmuch as there is expectation had of a Parliament to be shortly, whereunto sundry things are to be proponed be the Kirk, which of before would be ripely resolved be common judgement and opinion of the whole

brethren : C.] It is thought meitt [and expedient be uniform resolution of] the haill brether, That the minifters of Edinburgh and Leith give warning and advertilement to the Bifhops, Superintendents and Commiffioners of Countreyis, aught dayes before the Parliament, to the effect that they may warne the reft of their brethren to be prefent, to confult and put in deliberation fick things as falbe thoght, after good advyfe, to be proponit to Parliament : which Convention falbe comptit for ane Affemblie.

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A. D. M.D.LXXV.

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THE Generall Affembly haldin and begun the 6 day of August 1575, in the Ovir Tolbuith of Edenburgh: Wher ther was prelent the Bifchops of Galloway, Dunkeld, Brechine, Dumblane, Glasgow, and the Bifchop of the Yles, Superintendents of Angus and Lowthiane, Commiffioners of Countreyes and Townes, with the Minifters. Mr Robert Pont, [Proveft of Trinity Colledge] Moderatour.

Seffio 1<sup>a</sup>.

According to the ordour and custome of the Affemblie, it was proceedit to the examination and tryall of the lyves, converfatioun and doctrine of Bifchops, Superintendents and Commiffioners of Provinces.

[The Bifchop of Glasgou was exhorted to be diligent in preaching which was neglected be him. C.] Johne Durie, ane of the Minifters of Edinburgh, protests that the tryall as Bifchop prejudice not the opiniouns and reasons, quhilks he and vther brether of his mynd hes to oppone agains the faid office and name of a Bifchop.

[The Bifhop of Dunkeld removed, was delated, That he dwelt not within his diocefe; That there is no exercife obferved there; That he wrote a letter to George Lundie, Minifter of Crammond, to ferve equally four kirks every Sunday about, under the pain of deprivation; That the ordinance concerning the Earle of Athole is not kept; That he had delapidat the patrimony of the benefice. Reentering, he answered, He made little refidence in any one place, as may appear be his book of

visitation, and was oftener in Dunkeld, since the last Affembly, than in any other place. 2d, That the exercise is holden in Perth, and that his Ministers goe thither. To the 3d he answered, That a part of the benefice he had sett in few to the possessors of the ground, without diminution of the rental. Being inquired, if he had sett any victuall for silver, which before was not sett for money, answered, He sett none in Lothian for money; but within the bounds of Dunkeld he had sett victuall for silver, viz. a nineteen year tack of 36 chalder of teind victuall for 5s. 8d. the boll to the Earle of Argile. To the 4th, produced two of my Lord Athols bills, but granted he had not excommunicat him. C.]

The Generall Assemblie ordaines the Bishop of Dunkeld, betwixt and nixt Assemblie, to resort himselfe with his familie to Dunkeld, and make residence ther, vnder the paine of excommunication.

The brethren in ane voyce finds great fault with the dilapidatioun of his benefice; and ordaines the acts of the Assemblie to be visit and to be considerit, if ther be any penaltie appointit for the said dilapidatioun, betwixt and the next day of this instant, and continues thair farther determination therevpon to the said day.

[The pretended excuse in not excommunicating of the Erle of Athol, is rejected as frivolous, and the Assemblie decernes, That, for not obedience to the ordinance of the Assemblie, he hath incurred the pains contained in the act and ordinance made thereupon.

The Superintendent of Angus and Mernes was complained upon, That he admitted ane Mr Robert Merfer, Minister at Banquhar ternitie, unable to discharge his cure: Answered, The said Mr Robert was admitted with the advice of his brethren of Aberdeen, and was tryed be them. The Assemblie ordaineth the Principal of Aberdeen with John Craig, Minister there, to take tryall of his doctrine and literature.

The Commissioner of Aberdeen complained upon, That the Readers and Ministers in the countrey keep certain patron and festival dayes, and on these dayes conven, pray and preach, and foster the people in superstition. Item, That there is no discipline kept within the diocese. To the first he answered, That some Ministers of the countrey think it lawfull, but for his own opinion he wished it should be taken away by an ordinance of the Assemblie: As for the 2d, refers him to his books.

Mr Robert Grahame, Commissioner of Cathness complained upon, That he had not been diligent in his visitation; That he hath moe offices nor

he may discharge. Item, there is a marriage made betwixt the Erle of Caithness daughter and the Laird of Innies, she being divorced for adultery from her husband, and, that he gave command thereto. To the first he answered, That he was compelled to come there four tymes in the year, and grants that he was in Caithness but once: That he is denuded of the Commisionarie, and has no commision for Rosse, albeit he support the countrie this year. As to the marriage, Grants he gave to her such liberty as the Kirk gives to others; and that she has made her repentance bareheaded and barefooted. The brethren discharge him of his commission, and ordaineth, That he be not admitted again till farther advisement.

Seffio 2<sup>a</sup>.

The Assembly appointed some brethren to reason with the Bishop of Dunkell and such others as he will joine to him, anent the dilapidation of his benefice, and to see why the said dilapidation is not cause of deprivation. Afternoon C.] The Bishop of Dunkeld compeirand in the Assembly, desyrit that he might have Mr Johne Grahame, Advocate, to reason for him in a matter of dilapidation; quhilk beand thocht a new thing, and by custome of the Assembly, was finallie votit and concludit to be ane novatioun and to introduce some contradiotioun; and fand him not to be admittit nor nane vthers quho are not of the functioun of the Kirk; and therfor ordaines him to answere in his awin person, the 9 of this instant, or to choose any of the brether of the functioun of the Kirk to reason for him.

[Mr Thomas Howeson produced an act of the Synodall Assembly of Murrey, bearing that there was no question moved at the Bishop of Murrey his election, and what purgation he would make of the slanderous bruit raised upon him and the Lady of Ardross; and farther excused the said Bishop his absence, because he was slandered, in the last Assembly, be Mr Walter Balcanquhal, as fornicator with the Lady Ardross. The Assembly judgeth the excuse frivolous. C.]

Because certaine of the Bishops and Superintendents compeirit not the first day of this Assembly, it was thocht good to call them, and the absents to be notit.



[The Superintendent of Fife complained upon, C.] That none of the Univerſitie of Sanct Androes is preſent, nor nane to come heir ; [That the Kirk of Ryne hath no Readers, by reaſon of a controverſie among the Readers ; That the exerciſe is taken away fra Sanct Leonards to the pariſh kirk, and yet neither preaching nor exerciſe kepted that day. To the firſt he answered, That it is not his duty to name Commiſſioners for the Univerſity, but it belonged to themſelves ; and that they had nominat Mr Robert Hammliton their Miniſter : To the 2d, That the matter being remitted to him, he found no ground, and has remitted the ſame to the Aſſembly ; quherin they have decerned the poſſeſſor to remain at the ſaid kirk ; and linceſyne the pariſhoners agreed to another thrid perſon : To the 3d, That there was an order ſet down for the exerciſe, and a roll of the exerciſers written ; and not the leſs no exerciſe has been kepted ſince Paſche by paſt a year ; whereof he deſired the brethren to providy ſome remedy. The Aſſembly ordained the exerciſe to be reſtored again to Saint Leonards Colledge, and the Fryday preaching to be kepted ; but yet Mr Robert Hammliton to be heard, when he comes to the Aſſembly. Sicklyke the Aſſembly ordaines the ſaid Superintendent to place the ſaid John Pitcarne in place of the Reader, and to give him his letters of concurrence, ſuch as were given be the unquhill Biſhop of Sanct Andrews, conforme to their decret.

Mr Peter Watſon, Commiſſioner of Nithſdale complained, That the Toun of Dumfries, on Juile day laſt by paſt, ſeeing that neither he nor the Reader would read nor uſe doctrine upon theſe dayes, brought a Reader of their own with tabron and while, and cauſed him read the prayers ; which exerciſe they uſed all the days of Juile. This complaint the brethren thought good ſhould be intimat to my Lord Regents Grace, that he may find remeed herein.

The ſaid day, Alexander Biſhop of Galloway preſented to the Aſſembly the tenor of his ſatiſſaſſion, decerned to be performed be him, and decret of the brethren, and deſired to know, if he had ſatiſſied the ſentence preſented be them : Which they found ſatiſſied and fulfilled in all points, according to the contents thereof.

Anent the apperraling of the Miniſtry omitted in the laſt Aſſembly : The Aſſembly appoints their loving brethren, to whom commiſſion was given of before, to convene the morne, at 7 hours, in Mr James Lowſon, Miniſter of Edenburgh his houſe, to pen ſuch apparrelling as is to be

eshewed be them, conform to the act of the last Assembly, and to report the samen to the brethren the morne. C.]

Sessio 3<sup>a</sup>.

The brether appointit to pen thair judgement anent the habite of the Ministers and thair Wyfes, presentit the same to the Assemblie, quhilk was found good; and all the brether serving the functioun of the Kirk, ordaynes to conforme themselves and thair wyves therto, and ordainit effectiuoullie to follow the same: Quherof the tenor followes in thir wordes.

Forfameikle as a comely and decent apparrell is requisite in all, namelie in the Ministers and sicker as beares functioun in the Kirk: First, we thinke all kynd of brodering vnseimlie, all bagaries of velvett on gownes, hoses or coat, and all superfluous and vaine cutting out, steiking with silks; all kynd of costlie sewing on paments, or sumptuous or large steiking with silks, all kynd of costlie sewing or variant hews in sarks, all kynd of light and variant hewes in cloathing, as red, blew, geallow, and sicklyke, quhilk declares the lightnes of the mynd; all wearing of rings, bracelets, buttons of silver, gold or vther mettall; all kynd of superfluitie of cloath in makeing of hose; all vsing of plaids in the kirk be Reidars or Ministers, namely in tyme of thair ministrie and vsing thair office; all kynd of gowning, coating, or doubliting, or breiches of velvett, fatine, taffettie, or sicklyke; all costlie gilting of whingers and knyves, or sicklyke; all silk hatts, or hatts of divers and light collours: Bot that thair hail habite be of grave collour, as black, russet, sad gray, sad browne, or searges, wirflett chamlet, growgrame lytes wirflett, or sicklyke: and to be short, that the good word of God be them and thair immoderatenes be not slanderit; and thair wives to be subiect to the same ordour.

[Anent the terme appointed to the Bishop of Dunkell to reafone in his own cause be himself or some of the brethren of the function of the Ministry, concerning the dilapidation of the benefice: The said Bishop being present, declared he had sought assistance of some of the brethren of the Ministry, and could have none; and therefore desired the Articles of his accusation to be given him, and a delay to the next Assembly, that he and some brethren may be advised therewith for their answer; and to

that effect produced his supplication in writt. The Assembly found that no further delay should be given, but till Thursday next to come; and appointed the Bishop of Glalgow, Mr George Hay, Mr John Row, Minister of Perth, to give their advice to him, and to reafone for him the said day.

The same day, James Nicolson, Collector Clerk, exhibited to the Assembly a roll of the Ministers that had waisted the patrimony of their benefices, and made no residence at their kirk: whereof the particular catalogue followeth. John Webster alias Watson, Parson of Camusbie, hath dilapidat his benefice; Alexander Urchart, Parson of Olrick, has dilapidat his benefice, and waiteth not on his charge; George Sinklar, Chancellor of Cathnes, waites not on his cure; Gilbert Gray, chanter of Cathnes, and Mr George Monro, waite not on their cure; Mr John Gordon, Minister of Speinie and Keith, Mr Patrick Dowglafs, Treafurer of Murrey, Mr Alexander Gordon, Chancellor, await not on their cure; Andrew Spence, Minister at Forg, Drimblait and Collamand cannot await on his cure, because he occupyeth an fervile office in my Lord Forbefs house of Drum-mynoure, far distant from his charge; Mr John Barton, Minister of Clunnie Kilmavenock, Mr James Hering, Provest of Methven, Mr George Ramsay, Minister of Fouldon and Chirneside, Mr William McGawin, Commissar of Wigton, Person of Minto in Tiviotdale, William Bonkle, Vicar of Hadinton, Robert Dowglafs of Mordingtoun, James Stewart, Parson of Glenwhinie, James Stirling, who sold the Parsonage of Carstairs, Waltar Haddon, a new Person, awaite not upon their cure; John Kin-naird, Vicar of Carstairs, awaiteth not on his cure, and hath slain the Laird of Corston; Mr John Colvill, Chanter of Glasgou, and Minister of Kilbryd, Mr Patrick Adamson and Mr Andrew Polwart, Ministers of Pailley, Mr William Chirneside, Parson of Lufs, wait not on their cure; Mr John Rynd, Parson and Vicar of Cumnock, has sett the same for forty pound; Mr Archibald Sinclair, Parson of Zuddick, James Preston, Parson of Daylie, Mr John Walker, Minister of Monigafe, await not on their cure. The which persons being called, The said George Monroe, Mr James Herring, and Mr Patrick Dowglafs compeared. The Assembly appointed the eleventh of this instant for them to answer, and to take order with the absents. C.]

It appeirit to some of the brether that the lang continuance of Commissioners in their offices, shoud induce some ambition and inconvenience

within the Kirk ; and therfor was thocht a matter to be consultit in this Assemblie, Whither it were best that the Commissioners of Provinces should be changit, fra geir to geir, fra the countreyes quher they travell to vthers. After long reasoning, the greatest part of the Assemblie thought best, quher men may be had abill to vse the Commiſsioun, that ane geirly exchange should be. [And for the present transports Mr George Hay from Aberdeen to Cathness, and in his room placeth Mr John Craig, Minister of Edinburgh: And sicklyke appoints Mr David Lindſay to support the visitation of Murrey, and consider the Bishops diligence, with the complaints of the Ministers of the countrie against him, during his residence there: And sicklyke, Mr John Row to visit the bounds there appertaining to the Bishop of Dunkelds jurisdiction, upon the Bishops expens: And sicklyk continueth the Superintendents of Fife and Lothian in their offices respectivé. Mr Andrew Hay, Commissioner of Renfrew, desired to be exonered of his Commission, but is exhorted to continue in his charge till the next Assembly: Mr Peter Watſone continued Commissioner of Nithisdale, and Mr Andrew Clayhills, Commissioner of Tiviotdail. Sicklyke the Assembly continues Mr John Duncanson, Minister of the Kings house in his Commission of Galloway till the next Assembly, and exhorts the Bishop of Galloway to assist him, when he comes in the Countrie.

For visitation of the Books: The Assemblie appointed their lovit brethren, William Christeson, Minister of Dundie, Mr Gilbert Gardin, Mr James Greg, Mr Roger Gordon, John Fullerton, Minister of Sanquhar, Mr Andrew Mylne, George Scott, Mr Thomas Biger, Mr James Carmichall, Minister at Haddington, to convene at 7 hours the morne, in the Upper Tolbuith, and to continue till the same be perused.

For reading and answering of bills and complaints: The brethren appoint Mr David Lindſay, Minister at Leith, David Ferguson, Minister of Dunfermline, John Duncanson, Minister of the Kings house, Mr Andrew Melvill, Principal of the Pedagogie of Glasgow, Mr Alexander Arbuthnet, Principal of the Colledge of Aberdeen, and Mr Walter Balcanquhal, one of the Ministers of Edinburgh, to meet at two afternoon, in the Over Tolbuith, and so forth to continue till the same be answered and resolved.]

Ordaines Mr James Lowſone, James Bishop of Glasgow, Mr Andro Hay with Alexander Hay, Clerk of Privie Counsell, to conceive ane

article in wryte, concerning the vnioun of paroch kirks, to be presentit the morne to the brether to be confiderit be them.

Sessio 4<sup>a</sup>.

[The General Assembly of the Kirk enjoyned their beloved brethren, Mr David Lindsay, Minister at Leith, Mr John Row, Minister at Perth, and Mr Andrew Hay, Commissioner of Ranfrew, to form and pen the Articles to be presented to my Lord Regents Grace in writt, with such possible diligence as they goodly may, and hereafter to produce them to the whole brethren to be considered, if the same shall be found good to be directed to his Grace : who being depefhed from the Assembly, returning again, presented the said Articles to the said brethren ; which being read were found worthie and expedient to be presented to my Lord Regents Grace : always if any other articles shall be thought good be the brethren to be eeked hereto, they are desired to exhibit the same, afternoon.

The General Assemblie of the Kirk all in one voice giveth commiffion and power to the right honourable and their loved brethren, James Bishop of Glasgow, John Areskin of Dun, Superintendent of Angus and Merns, Mr John Spotfwood, Superintendent of Lothian, Mr John Row, Minister of Perth, and Mr David Lindsay, Minister of Leith, to pass to my Lord Regents Grace, and present unto his Grace the articles of the said Assembly, contained in writt and delivered to them, and, with all humility and dew deference, to require his Graces good answer thereto, conferr and reason with his Graces answer thereupon, and to report his Graces answer to the said articles, against the 12th day of this instant before the dissolution of this Assembly.

Followeth the tenor of the said C.] Articles to be presentit to my Lord Regents Grace.

Imprimis, For planting and preaching the word through the haill realme : It is defyrit, That so many Ministers as may be had, quhilks as yet are vnplaced, may be receivit, alweill in the countrey, to releive the charge of them that hes many kirks, as vtherwayes throuhout the haill realme ; with Superintendents or Commissioners within these bounds quhier Bishops

not, and to help these Bischops that hes ovir great charge, and reasonable livings to be appointit to the forsaids ; and also payment to them that hes travellit befor as Commissioners in the zeirs of God 1573, 1574, and fo foorth in time coming, without the quhilk the travells of sick men will cease.

2. That sick impediments be removit away as makes hinderance to the progresse of the doctrine, sick as abundance of vice in all parts of this realme unpunishit, marketts vpon the Sabbath day, and Ministers troublit in the executioun of thair office.

3. That the ordour already tane toward the poore may be put in full executioun : And to that effect, that a portion of the teinds quhilk is thair awin patrimonie, afweill of the twa part as of the thrids, may be imployit for thair sustentationn, according as necessity craves ; and to this effect, that the Hospitalls quhilk hes bein of auld, may be restorit to thair awin vse, notwithstanding of any title made therof to vther persons ; and also that sick ordinar almes as hes bein appointit foorth of Abbayis or vther benefices, be long consuetude, may be payit to the poore as of befor.

4. Because the Schooles are the fountaine fra the quhilk Ministers must flow, That provision be made for them, not only for sick as remaines within the realme, but also for men of good ingyne, quhilk be the Kirk shold be found [meet] to visite other countreyes and Vniversities for thair furtherance in learning ; and cheiflie for Glasgou, because it is new erectit, and hes not sick provision as vther Vniversities.

5. That sick assignatiouns as hes bein appointit be the Prince and the Kirk, and alterit without the advyse of the Kirk, may be repairit ; and that, in tynes coming, sick assignatiouns as falbe appoyntit, be not alterit without the advyse of the Kirk, vtherwayes no Minister falbe fure of his assignatioun.

6. Quher Ministers produces letters of horning to the General Collec-tour, vpon sick persons as are assignit to them for payment, the said col-lectour may be caulit to make payment to the saids Ministers.

7. That all dayes that heirtofor hes bein keipit holie, besydes the Sabbath day, sick as Goole day, Saincts dayes, and sick vthers, may be abolisheit ; and a civil penaltie against the keepers therof be ceremonies, banquetting, playing, fasting, and sick vther vanities.



8. That all sick Ministers or Reiders as, either be infirmitie or age, becomes vnable, may have thair stipends indureing thair lyfetyes.

9. That the Clerk of Assemblie be answert of the ordinarie stipend appointit to the Clerk of befor, namelie, in respect of his labours multiplied be wryting of the hail Ministers and reidars letters, asweill for answering them of thair stipend as of thair gleibs and manfes, gratis; and that his name may be insert in the booke of assignatioun, with his stipend, as vse was; and sicklyke be answert of the zeir bypast that he hes servit.

Anent the question proponit be certaine brether of the Assemblie of the hail Kirk, Whither if the Bischops, as they are now in the Kirk of Scotland, hes thair function of the word of God or not, or if the Chapter appointit for creating of them aucht to be tollerated in this reformed Kirk: For better resolution heirof, the Generall Assemblie of the Kirk appoints thair lovit brether, Mr Johne Craig, [Minister of Aberdeen] Mr James Lowfone, [Minister of Edenburgh] and Mr Andrew Melvill, Principall of the Colledge of Glasgowe, on that ane part; George Hay, [Commissioner of Cathness] David Lindefay, [Minister of Leith,] Johne Row, [Minister of Perth,] on that vther part, to conveine, reason and conferre vpon the said questioun, and to report thair judgement and opinioun therevpon to the Assemblie befor the dissolving therof, if they be resolvit betuixt and the same.

#### Sessio 5<sup>a</sup>.

[Anent the term appointed to the Bishop of Dunkeld, to reason in his own cause concerning the dilapidation of his benefice, and to propound what defence he had therein, why the same merits not deprivation: The said Bishop compearing in Assembly declared, That the setting of the tack of the 36 chalder victual for six shilling 8 pennies the boll (confessed be him before) to the Earle of Argyle, was not voluntarily, and that divers tymes it repented him thereof; and yet, be the grace of God, is willing to have it reformed, either be favour and good will of my Lord Argyle, or be process of Law, wherein my Lord Regents Grace had promised to him his assistance, as my Lord Justice Clerk being present could testify his Lordships good will therein; who lykeways, be a writing of his Grace direct to him, declared, he minded to travell with the Erle of Argyle, that it



may be reformed, and desired my Lord Regents Graces requieft, That all farther procefs againft the faid Bifhop fhould be intermitted, till the next Affembly. The Generall Affembly willing to fatiffie my Lord Regents Graces fuit and requieft, and looking, that be his Graces travell and diligence, and procurement of the faid Bifhop to be tane be him in this intermediat tyme, that matters fhall take better fruit, and be reformed, hath continued and continues the faid caufe in the fame force and effect as it is now, to the firft day of their next Affembly; and the faid Bifhop is warned thereto.

Because of fundry acts and conclufions holden in the Affembly, for excommunication of the Erle of Athole, which nothelefs have not been put in execution, for which caufe the Bifhop of Dunkeld is prefently fufpended from his office: Therefore the Generall Affembly hath ordained a writting to be direct in their names to his Lordship and his Lady, requiring them, if they fute conference or reasoning of any of the brethren, to choife three or four, with Mr John Row, Commiffioner, appointed in thefe parts, whole conference and counfell they may have, and whom the faids brethren commands to give their confultation to them, that they may be refolved in the points of religion, betwixt this and Martimafs next to come; and their meeting to be in Dunkeld and Saint Johnftoun: Which conference being had, and they not refolved, as faid is, betwixt and the faid day, Ordaines the faid perfons with the faid Mr John, to pronounce the fentence of excommunication againft them: and if they refufe the faid conference, ordaines the faid Mr John Row, with affiftance of the Superintendent of Angus and Mernes, the Superintendent of Fife, William Chriftefon, Minifter of Dundie and Tibbermuir, to pronounce againft them the fentence of excommunication within Dunkeld: and if they be ftopped, or troubled there, that they may not pronounce the fame, to execute and pronounce the famen in Sanct Johnftoun. C.]

Ordaines ane article to be made to the Lords of the Sefsioun for Minifters and Reidars, that they may have expedition of their procefs perfewit befor them, that they be not abftraçtit from their charges.

Seflio 6<sup>a</sup>.

[The Commiffioners direct to my Lord Regents Grace with the

Articles of the Assembly, for receiving his answer thereto, reported, His mind was to ride shortly toward the borders; and because some of the articles craved the advice of the Council, which could not presently be had, desired therefore that the Kirk should give commission to some of the brethren to await upon his Grace and Council, and to reason and conferr upon the said articles, and receive answer thereof. The Assembly of the Brethren ordaines the said Commissioners, or so many as shall be present, to wait upon my Lord Regents Grace and Counsell, and to reason and conferr upon the saids articles, and to receive his answer thereof; and if either answer be not received, or that they be not present to receive the same, that they wait thereupon the first day of November next to come.

The brethren delated for not making residence at their kirks, and for wassing and dilapidation of their benefices, appointed to give answer this day, compeared. Mr George Monro his excuse, that he might not travell at his kirk for deadly feed, was accepted. Mr Andrew Young denyed that he served the kirks contained in his roll. Mr Patrick Dowglafs granted he made no residence, he reason he had gotten nothing to serve for, and yet gave out a pension to a bearn to hold him at the School; and sicklyke sett the gleebe in few. Mr Andrew Polwart ordained to serve at Pailay, according to his promise made to the Bishop of Glasgow. C.]

The brethren appointit to reason and conferre vpon the function of the Bishops as they are now in this realme, and if thair Chapters appointit for creating of them, be tollerable, and to returne thair judgement to the Assembly, gave in thair opinioun as after followes, in wryte, viz. They thinke it not expedient presentlie to answer directlie to the first questioun; bot if any Bishop be chosen who hes not sick qualities as the Word of God requyres, let him be tryit be the Generall Assembly de novo, and so deposit.

The poyntis quherin they aggrie concerning the office of ane Bishop or ane Superintendent.

First, the name of Bishop is commoun to all them that hes a particular flock over the quhilk he hes a peculiar charge, asweill to preach the word as to minister the sacraments, and to execute the ecclesiasticall discipline with consent of his elders; and this is his cheife function of the Word of God. Attour out of this number may be chosen some to have power

to overlie and vifite fiek reafonable bounds, befydes his awin flocke, as the Generall Kirk fall appoint; and in thefe bounds to appoint Minifters, with the confent of the Minifters of that province, and the confent of the flock to quhom they falbe appointit; and alfo to appoint Elders and Deacons in every principall congregation quher ther is none, with the confent of the peiple therof; and to fufpend Minifters for reafonable caufes, with confent of the Minifters forfaids.

[Anent the propofition of my Lord Galloway to the Affembly, defireing their refolution, What is meaned be them be his fufpention, Whether he be fufpended from all preaching of the Word of God, as from all commiffion within the Kirk: The Affembly of the Kirk declareth, That no fault they will find, that he will preach truely the Word of God, albeit he ftand fufpended from commiffion of vifitation; always exhorts him to concurre and help the Commiffioner of Galloway in his vifitation, for keeping good order and difcipline within thefe bounds. C.]

Queftio. What punifhment deserves that Minifter that maries perfons refufed be thair ordinar Minifter, and that in refpect theykeipit open houfe together vncontractit, and wald obey no difcipline; and quher there ordinar Minifter defyrit them to obey the difcipline, they woundit him to the death; vpon the morne the faid Minifter maried them, without fatisfactioun made to the Kirk for wounding thair Minifter. A. Referres the punifhment of this Minifter to the punifhment of Mr Patrick Creiche.

[Queftio. Whether the contract of marriage ufed to be made before the proclamation of banns betwixt man and woman, fhould be made be words of the prefent tyme, The man faying to the woman, I take thee to be my wife, and the woman faying to her husband, I take thee to be my husband; or fhould there no contract or promife be made while the infant time of folemnization of the marriage. A. Let the order obferved within the reformed Kirk of Scotland be kept. C.] Parties to be maried fhould come before the Affembly, and give in thair names, that thair bands may be proclaimit, and no farther ceremonies vfit.

[Queftio. Whither if the Kirk, be the law of God, hath power to cognofce and decern upon herelies, witchcraft, blaſphemation of the name of God, and violation of the Sabbath day, eſpecially upon the quiditie thereof;

or whither if the Criminal Judge shall give sentence of death for such crimes, before the Spiritual Judge decerne upon the quidditie thereof. C.] A. The Kirk hes power to discerne and cognosce vpon heresies, blasphemation of Gods name, witchcraft, and violation of the Sabboth day, not preiudgeand the punishment of the civill magistrate.

[Q. When a bearn is gotten in incest, adultery or fornication, and the father is unknown fugitive, or will not recognosce the bearn to be his, Whither shall this bearn be baptized without delay, or shall the baptisme of it be deferred, till the father be found, and hold up his own bearn to baptisme, and satisfie the Kirk; seeing that the Kirk may lift no pains upon caution for such causes. A. This question would be conceived more distinctly.

Q. A man and a woman were in their parish kirk upon a Sunday, in presence of fundrie of the parishioners, publicly married, or hand fast be the Reader, and thereafter have mutual cohabitation together at bed and board, as married folks so reput and holden: The Minister of the same kirk, at the womans desire, a good space thereafter, leads a forme of divorce betwixt them, in this manner: He calls the woman before him, and causeth her swear that her husband had never carnal copulation with her, and thereupon, without asking farther question at the man, decernes them separat and divorced from other, the man always dissenting thereto, and still claiming her to be his lawfull wife: Whither is this forme of divorcement allowable in a reformed Kirk that hath received the Evangel; and if it be not, What correction deserveth the Minister, that usurpeth and useth this manner of process and judgment. A. This divorcement is not lawfull, and meriteth suspension, and the Minister to make publick repentance.

Q. If it be expedient, that there be in notable towns and congregations the best learned Ministers, and if there be not, that the same be reformed: That where men of good judgement are in some places, and their labours, as it were, lost, they may be transported to places where they may better edifie; and others of smaller judgement repair to their places where they are interested, to serve. A. Referres to the discretion of the Bishops, Superintendents and Commissioners.

Q. What shall the Minister do, who is required to marry a man that has committed adultery in his wives tyme, now his wife is departed, and he hath satisfi'd the Kirk therefore, and desires to be married upon another woman that he had in his wives tyme. A. Ordaines to form this question better.

Q. A woman hath committed incest with her mothers husband, and hath satisfi'd the Kirk therefor; and now the said woman desires to be married to another man, with whom she has committed fornication, What shall the Minister doe in this case. A. Let this be formed better, and this to be moved to the Regent.

Q. Whither an officer of arms is to be admitted to be a reader in the Kirk. A. Thinks it not convenient. C.]

[Q. Whither a gong man, after he hes lyin with a gong woman that is esseim't a virgine, na marriage preceidand, nor promise alledgit be her, be compellit be any particular Kirk, at the sute either of the woman or of the parents, either to marie her, or pay her tocher good. A. There is no law establischt, that the man should either marrie her or pay her tocher good. C. & B.]

Q. Whither if a Bishop absolutely, be his own authority, may change or transport Ministers from kirk to kirk at his pleasure, by their consents, and of the Kirk where they serve, or not. A. He may with advice of his Assembly.

Q. Whither bairnes gottin afor marriage, the lawfull marriage following, are lawfull, or not. A. They are lawfull. C. & B.]

[Q. Whither if divorcement made by any other Commisars than the Commisars of Edinburgh, (the causes of divorcement being lawfully proven,) be lawfull or not. A. Impertinent. C.]

Q. What punishment shalbe for ane Minister that baptizes ane murtherers bairne not of that paroch, on ane Monday not being ane day of preaching, and without repentance of the murtherer remainand at the Kings horne. A. He deserves deposition.

[Q. A certaine man with his complices raviſheth, and violently taketh away a woman ; thereafter marrieth the ſaid woman, without proclamation of bannes, neither ſolemnizes the marriage in face of the Kirk, but in privat houſe, Whether is the marriage lawfull ; the bearnes begotten therein legittimat, or not ; and what puniſhment to the Miniſter that fo abuſeth marriage. A. Referres to the anſwer made before.

Q. Whereas great inconveniences follow upon the refusal of certain Miniſters, to adminiſtrat the Sacrament of the Lords Supper on Paſche day, ſuch as the profanation of the ſame by privat perſons, in profane houſes, If it be lawfull for any Miniſter to ſatiſſie the peoples appetit therinto. A. Where the day is ſuperſtitiously kepted, it is not thought meet that the Communion be miniſtred that day. C.]

Q. If it be lawfull for any Miniſter to diſpenſe with the number of dayes appointit for the repentance of inceſtuos and adulterous perſons, in reſpect that the lyke obedience cannot be obtainit in all places. Na anſuer.

#### Sellio 7<sup>a</sup>.

[Anent the ſupplication given in to the General Affembly be Alexander Arbuthnet, making mention, that where it is not unknown to your Wiſdoms, what great work and charge I have interpriſed concerning the imprinting of the Bible ; for accompliſhment whereof, your Wiſdoms underſtood, that the office of a corrector, his diligence and attendance therein is moſt neceſſar : And therefore I humbly deſire your Wiſdoms to requieſt my Lord Abbot of Dumfermline to licentiat Mr George Young his ſervant, whom I think moſt fitt to attend vpon the ſaid work of correctorie, to concurre and aſſiſt me during the tyme of my travell, to the effect that the notable work begune and interpriſed may be conſummat and perſyted in all points : The charges and expenſes of his travells I ſhall reaſonably deburſe, conform to your Wiſdoms diſcretion, ſo that the work may paſſe forward and be decent, as the honeſty of the ſame requires ; wherunto I require your Wiſdoms diligent anſwer : And, in like manner, it is not unknown to your Wiſdoms, that for the furtherance of the ſame godly work tane on hand be me, the order is tane, that the Biſhops, Superinten-



dents and Commillioners should diligently travell for collecting, inbringing, and execution of the charge of our Soverane Lords letters direct to that effect: In consideration whereof I earnestly desire your Wifdoms to command and charge every Ordinar within his jurisdiction, to put the said letters to due execution, and make me to be payed, conform to the tenor of the same, whereby the godly interprise of the famine may take full effect with expedition: And because your Wifdoms sufficiently understand, that the concurrence of my Lord Fewar of Orkney shall greatly help to the expedition of the said work within his Lordships bounds, I humbly desire supplication and request to be made to the said Lord, that he would, within the bounds of his jurisdiction, cause obedience and payment be made, conform to the tenor of the said letters; whereby I your Wifdoms servitour shall pretermitt no kind of diligence, expenses, or possible power in me lyeth, that so the said godly work may take full furtherance and effect to the glory of God and the weale of his Kirk.

The said supplication being read and considered be the said Assembly, they all in one voice give commillion to the brethren appointed to present the articles to my Lord Regents Grace, to travell with my Lord Dumfermline for satisfiying the first article; and as concerning the rest, willingly condescends to the same.

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A. D. M.D.LXXVI.

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THE Generall Assemblie of the Kirk convenit in the Ovir Tolbuith of Edinburgh, the 24 of Apryle 1576: Wher ther was present Lords, Baronis, the Bischops of Glasgow, Dumblane, Dunkeld, Rosse, Brechine, Murray, Superintendents of Lowthiane and Angus, and Commissioners of Countreyes, Townes, Kirks, and Ministers. Mr John Row, [Minister of Perth,] Moderatour.

Sessio 1<sup>a</sup>.

[The Bishop of Glasgow removed, was delated, For not preaching in the toun of Glasgow since he entered in his office, and alwise rare preaching, howbeit he was thought diligent in visitation; 2. That no injunctions were given to adulterers delated to him, nor summoned to receive injunctions; 3. That kirks within his diocese were not repaired; 4. That he hath no particular flock; and 5thly, Being required before his removing be the Moderator, to render the commission of visitation he had in the hands of the Assembly, he answered not directly, but only, That he would do reason. Being called in again, he answered to the first, Preaching is the good gift of God, which is not equally bestowed on all, and excused himself, that he was not so able, nor so liberally doted with understanding as others; always it cannot be denied but that he preached, and especially at Govean and other kirks, and was willing to doe his duty: To the second, If the particulars were expressed, he would answer, but remembers not that he hath failed, as that head purports: To the 3d, He granted the

kirks are not repaired, and complains thereof as they do : To the 4th, That he received no particular flock in the entrie of his office, nor no question was then moved thereupon ; but if the Assembly think that he should be astricted to a particular flock, he should either obey the Ordinance of the Assembly therein, or give place to others : To the fyfth, If the Assembly findeth that the commission which he hath, should endure only from year to year, he is content with the censure of the Assemblie.

The Superintendent of Lothiane removed, was complained upon, For rare visitations, notwithstanding he had an act of the Assembly, for concurrence and assistance of such as he would require thereto ; next, That he had initiated the Bishop of Ross in the Abbey of Halyrudhous, being admonished of the brethren not to doe it : Answered, That he had travelled in visitation till Januar, and sensyne hath been sick, and could not charge any of the brethren be reason of the evil weather : To the 2d, He grants his fault.

The Bishop of Dunblane removed, complained upon, That he had not taught since his entrie to his office, nor yet makes residence, nor hath a particular flock : Answered, He had not yet received any fruits of the benefice, hath been diseased thir three weeks begane ; alwise promisseth amendement in time coming. Being demanded, If he would demitt the commission of visitation which he had of the Assembly, answered, He was content, if the Assembly thought it good.

The Bishop of Murrey removed, was delated, first, That he had no particular flock ; next, Charged be Mr Patrick Balfour, that his stipend, be the negligence of the Bishop, is changed, and his name left blank in the rolls, and a dead person called James Sibbet put in the room of another, that he is not able to edifie the flock ; He grants he hath no particular kirk : As for the rolls he shall take order with the Clerk, that if any wrong be done, it may be reformed, and that there is no dead man placed in the books : Farther, He declared he was presently under process of horning, and, be the Regents Graces tollerance, came down this day, to present himself to the Assembly. The Assembly, in respect of his own confession, that he is at the horne, ordained him to be removed till he be relaxed.

The Bishop of Ross being required to demitt in the hands of the Assembly the jurisdiction of Visitation, which he had of the Assemblie, condescended, and was exhorted to be diligent in visitation.

Sessio 2<sup>a</sup>.

Anent the action of accusation led against Mr James Paton, called Bishop of Dunkeld, for diminution of the rents of the Bishoprick, be setting of a 19 year tack of 36 chalders of victual, for five shilling 8 pennies the boll, to the Erle of Argile, continued to this present Assemblie: The said Bishop being present in Assemblie, inquired, What he had done since the last Convention of the Kirk, for repairing of the said fact, declared, It had pleased my Lord Regents Grace to commune with the said Erle in the said matter, who promised to his Grace and lykwise to himself, to satisfie the Assemblie therein, desiring a delay thereof to his coming: which desire being be vote of the Assemblie refused, with his other sute of delay, whill he conferred with the brethren appointed to that effect in the last Assemblie, in respect of the long continuation of tyme which he hath had since the last Generall Assemblie, wherein he might have been sufficiently provided, and have consulted with the said brethren, whose deliberation he, not the less, hath not sought; the said Assemblie desired, what defences he had, why the said fact merits not deprivation, to propone the same, namely, in respect of the Act of the Generall Assemblie made the 9 day of March 1569, Sessio 8, against such persons as diminish the rents and fruits of their benefices: Which act being publickly read, the said Bishop alledged a certain obscurity to stand in thir words of the act, "where the contraveners thereof are decerned to be deprived of their benefice;" desiring the interpretation and meaning of the whole Kirk herein; which being, be the greatest part of the Assemblie, resolved and interpret to be this, That the contraveeners of the said act shall be deprived of their offices, and all that they have of the Kirk therethrough, so far as this lies in the power of the Kirk: The said Bishop alledged and propounded, That the said act and execution thereof should not strike upon him, the same being unknown to him, and never coming to his ears, nor never published; That an ordinance of the Kirk was, that all the acts of the Kirk should be revied, and such as were found unmeet to be retained, to be tane away; of which number he knows not if the same may be one: That the said act means only of Ministers, and of the setting of manes and glebs, and is not meaned of Bishops; and last, The said fact done by him proceeded upon a most just fear, which might fall on a most constant man,

his house being befeiged, and his son taken away. All which defences being at length heard and considered be the brethren, and the said matter being profoundly and freely reasoned be certain of the brethren, both of the Law of the eternal God, and upon the said act, in utramque partem, Whither the said fact merits deprivation, or not: The whole circumstances of the fact, together with the confession of the said Bishop weyed and rypely advised be the Assembly presently convened, having chiefly regard to the glory of the name of God, and his Son Jesus Christ, for the most part resolved and concluded, The said Bishop to have contravened the tenor of the said act, and therethrough to incur the penaltie thereof, to wit, deprivation from his office, and that which he hath of the Kirk therethrough, so far as lyes in their power for ever. The said Bishop appealed from the said sentence verbo, to the Lords of Parliament.

This sentence was thought meet be the Assembly, to be intimat to my Lord Regents Grace; and to that effect directed Mr David Lindfay, Minister of Leith, and Mr Patrick Causlean. C.]

Anent the pluralitie of offices objectit to Mr Robert Hamiltoun, Minister of Sanct Androes: The said matter beand long debaittit with reasons on every syde, and rypely advysit, the present Assembly, in respect of the circumstance of place and congregation of Sanct Androes, Finds and declares the twa offices joynit in his person to be incompatibill in him. [Mr Patrick Auchinleck, Commillioner for the toun of Sanct Andrews, protested in name thereof, That this sentence prejudge not the toun of Sanct Andrews, nor ingender any prejudice to them touching their Minister, without they be called and heard.

Conforme to the order taken in the last Assembly, for calling and summoning of persons delated for non residence, and dilapidation of their benefices, within every province, and for such as were then present and delated: The Assembly commandeth Mr James Hering, either to serve and make residence at his kirk, or else to dimitt his benefice. The persons with whom the Bishops, Superintendents and Commissioners had taken order with, conform to the ordinance of the Assembly; James Stirline and John Kinnaird excommunicat be the Bishop of Glasgow; Mr John Rynd his accusation found to be untrue; Mr John Colvill summoned be the Visiter to compear upon Fryday; Andrew Spence had not obtained his Manse, yet used reading in my Lord Forbes his house; Mr William McGown, William Boile and James Stewart ordained to be

charged be their Commiſſioners reſpectivè, to enter to their charges, and make reſidence at their kirks, as becometh them.

Mr David Lindſay and Mr Patrick Adamſon returned from my Lord Regents Grace, with his Graces anſwer concerning the Biſhop of Dunkeld, That the Kirk hath proceeded againſt him, and deprived him worthilie for his offence, he could find no fault therein; yet his deſire is, that a policie and univerſal order were eſtabliſhed in the Kirk, for ſuch and other proceedings; and to that effect, ſuch things are were penned in that argument in the laſt conference, ſhould be revide and ſeen; or that, with ſome of the Counſell, if the heads conceived before miſliked them, they ſhould ſitt down and penne other heads; or elſe, themſelves to ſett down and deviſe the ſaid policie, to be preſented to his Grace, that lawes may paſſ thereupon. In this mean tyme, in caſe of the ſaid Biſhops complaint upon the Kirk to the Counſel, that ſome of the learned be depute be the Aſſembly, to await upon the Counſel, and to reaſone the matter formalie.

The Generall Aſſembly hath deſired the honourable men and brethren underwritten, to adviſe what anſwer ſhall be given to my Lord Regents Graces deſire herein, to wit, the Laids of Lochlevin, Wedderburne and Braid, with the Biſhop of Glaſgow, the Laird of Dun, Mr Robert Pont, Mr Andrew Melvill, Mr Clement Littill, Mr James Lowſon, Mr Alexander Arbuthnet, Mr John Craig, Mr Patrick Adamſon, Mr David Lindſay; and to that effect to conven in the kirk, the morne at fix hours, and report their advice to the Aſſembly. C.]

Anent the advyſe and opinioun of the brethren given in, in the laſt Aſſembly, concerning the queſtioun movit, Whither if Biſhops, as they are now in Scotland, hes thair functioun of the word of God: The hail Aſſembly, for the greateſt part, after reaſoning and long diſputation vpon every article of the ſaids brethrens opinioun and advyſe, reſolutelie approvitt and affirmitt the ſame, and every article thereof, as the ſame is given be them; quherof alſo the tenour is heir reportit.

Fiſt, the name of Biſhop is commonn to all them that hes a particular flock, over quhilk he hes a particular charge, aſweill to preach the word as to miniſter the ſacraments, and to execute the eccleſiaſticall diſcipline with conſent of his elders; and this is his cheife functioun in the word of God.

Attour of the number may be choſin ſome to have power to viſite and

overſie lick reaſonable bounds befyd his awin flock, as the Generall Kirk ſhall appoint, and in theſe bounds to appoint Miniſters, with conſent of the Miniſters of that province, and the conſent of that flock to quhom they ſhalbe appointit; aſweill to appoint Elders and Deacons in every particular congregation quher ther is none, with conſent of the peiple thereof; and to ſuſpend Miniſters for reaſonable cauſes, with conſent of the Miniſters forſaids: And to the effect that the ſaids articles conſiſcendit vpon be the ſaid Kirk, may be the better followit out, and readie execution enſewit thervpon as appertaineth, Ordaines the Biſchops, quho hes not git receivit the charge of a particular congregation, to conſiſcend, on the morne, quhat particular flocks they will accept to take the cure therof.

Sellio 4<sup>a</sup>.

[Forſamekle as the great and intollerable burden lying to the charge of Biſhops, Superintendents and Commiſſioners, is, and bath been the very cauſe, that the whole Kirk within thir bounds could not be duely overſeen, conſequently good diſcipline unexerciſed within the ſame for lack of viſitation: Therefore it is thought meet, that ſuch bounds be appointed to every Commiſſioner and Viſitor, as may be duely viſit and overſeen be every one of them; and to that effect the Aſſembly preſent hath elected the Commiſſioners of Countries with the perſons joyued to them under named, to convene at extraordinar hours to make a proper diſtribution and diviſion of the whole bounds of this realme, and to give in writt their opinions and judgement how every bounds may be beſt viſited, to the morne at nine hours.

The Names of the ſaid perſons follow,—

FOR GALLOWAY.

John Duncanſon.  
Mr James Fotheringhame.  
The Laird of Gadzeart.

## FOR NITHISDAILL AND ANNANDALE.

Peter Watſon.  
John Fullerton.  
Lyon Brown.  
Mr John Porterfield.  
Mr Andrew Polwart.

## FOR TIVIODAILL.

Mr Andrew Clayhills.  
The Laird of Fawdounſide.

## FOR TUEDALE.

John Brand and  
The Laird of Traquair.

## FOR LOTHIAN AND MERCE.

The Superintendent of Lothian.  
Mr David Lindſay.  
The Laird of Braid.  
The Laird of Spott.  
David Hume.  
William Hume.

## FOR FIFE.

The Reſtor of St Andrews.  
Patrick Weems.  
Patrick Kinninmonth.  
Mr James Wilkie.

## FOR DUNBLANE.

The Biſhop of Dunblane.  
Mr William Stirling.  
Robert Graham.

## FOR STRATHERNE.

The Laird of Craigie,  
Adie, and Strathlurer.



Archibald Hering.  
Mr John Row.  
Andrew Merfer.

## FOR AIR.

The Bishop of Glasgow.  
Mr John Young.  
George Campbell.  
The Minister of Air.  
Mr David Cuninghame.

## FOR CLIDDISDALE.

Mr Andrew Hay.  
Mr David Cunninghame.

## FOR ANGUS, MERNES, STORMONT AND GOWRIE.

The Laird of Dun.  
William Christefon.  
Mr Andrew Mylne.  
The young Laird of Dun.  
James Anderfon.

## FOR ABERDEEN AND BAMF.

Mr John Craig.  
The Principal of Aberdeen.  
The Laird of Craig.  
The Laird of Innertowchie.  
Mr Gilbert Gairdin.

## FOR MURREY.

Mr Robert Pont.  
Mr John Keith.  
Patrick Balfour.

## FOR ROSS.

The Bishop of Ross.

Robert Graham.  
Mr John Monro.

FOR CATHNESS.

Adam Davidfon.  
Robert Graham.

For order to be tane with the parts of Argile, ordaines Mr Andrew Hay to desire my Lord Argile to be prefent in the Affembly : and ficklely ordaines the Reftor of Sanct Andrews, Mr John Row, Mr Patrick Adamfon, Mr Alexander Arbuthnet and Mr Andrew Melvill, to pafs to my Lord Regents Grace, and declare to him the proceedings of the Kirk in this matter, the morne at feven hours.

Anent the lamentable writing direct from the French Kirk exiled in England to the Kirk of Scotland, bewailing their sorrowfull eftate and condition, and defiring the almes collected be the brethren to be fent to them : The whole Affembly, after reading of the faid writting, with the procurator of the faid exiled brethren direct for receiving of the faid contribution, being inwardly touched with the sorrow of their brethren grievoufly borne at under with the hard dart of neceffity, willing, with all heartie and tender affection, to utter their brotherly care toward them, has ordained the fummes already collected to be delivered and fent away to them, with fuch fecuritie as fhall be devised be their brethren, Mr James Lowfon, Minifter of Edinburgh, and Mr David Lindfay, Minifter of Leith : And, in the mean tyme, becaus a great part hath promifed their charitable almes, which is not yet performed, ordaines the Bifhops, Superintendents and Commiffioners of Countries to labour earneftly at their hands, for inbringing of the famen within 20 days next thereafter, and what is ingathered to deliver the fame to Mr James Lowfon, Minifter of Edinburgh ; and a general writting to be framed be Mr David Lindfay to this effect.

The brethren appointed to conceive and forme the power and jurisdiction which fhall be given be the Kirk to the Vifitors of Countries, gave in their judgement and advice therein, which was allowed and approved of the whole Affembly : The tenor whereof followeth.

## Articles concerning the Office of Visitors.

That he call the rest of the Ministers together within the bounds of his visitation, as also to hold Synodall Assemblies, to be Moderator there, to try the Ministers, and have the oversight of the schooles; and he to be tried be this Assemblie: To propone the matters that are to be consulted of, to gather the votes, and declare what is found be votes.

He shall have the oversight of all the particular Kirks within the bounds of his visitation, and Ministers thereof, that every one of the Ministers exerce their own vocation diligently with their own congregations, and in the bounds of his visitation; to appoint Ministers with advice of the Ministrie of the Province, assembled in the Provincial Assemblies, at the least six of the best learned within his bounds, or in laiking of that, of the next adjacent, to be chosen in the Synodal Assemblie, with the consent of the people to whom he shall be appointed Minister: and that becaus the power stands not in the Visitor, but in the Kirk, as to the suspension or deposition of any Minister from his office, the samenthall be done be the Visitor and Ministrie in the said Synodal Assemblies, the caus being there tried, particular intimation being made to his particular congregation to be present; except some urgent cause occurre, that it be necessar to doe the same with short advice; as if the Minister committ some notorious crime, whereby he cannot be longer retained in his office: In the which caus the Visitor may convene them that are upon the exercise in that Province, and they with him, and the Session of the particular Kirk, to proceed to suspension be the lawfull tryal of the offence.

Upon the presentations of Patrons to the Visitor, he, with consent of the Synodall Assembly of his Province, shall give his letters testimonial to him that is presented, lawfull impediments being tane away, at the least with advice of six Ministers within his bounds, or in lacking that, of the next adjacent, to be chosen in the Synodal Assembly, providing always that the consent of the flock where he should be appointed be had, or else a reasonable cause be them shoven why not; and in case he had been a Minister before, he to receive his letters testimonials upon the presentation, with the advice of the Ministers of the Exercise within that Province; and none to give collation of any benefice without the bounds appointed to him be Commission of the Kirk.

That an admonition be made to all Ministers, that unadvisedly they proceed not to excommunicat ; and if difficultie arise herein, that the Visiter and the rest of the countrie be adviced with ; and sicklyk in absolution.

Where there is not Ecclesia bene constituta, that he travell to constitute it.

That he take head to the keeping of Exercise, repairing of kirks, kirk yairds, designation of manfes and gleebes, and all other charges pertaining ad decorum Ecclesiæ, and granted to the Kirk be the Lawes of the Countrie.

For reading and answering of bills and supplications, to be given in to this present Assembly, and, sicklyke, for reviewing of the books of Visitation, the Kirk deutes their brethren underwritten : They are to say, Mr Robert Hamiltoun, Mr Alexander Arbuthnet, Mr Andrew Melvill, Mr John Craig, Mr Gilbert Gairdin, Mr Andrew Cuninghame, Mr Andrew Polwart, John Brand, Mr John Duncanson, Mr Andrew Clayhills, to convene every day in the morning, till the same be answered and reviewed.

To the question moved, If a Bishop, Superintendent or Commissioner of a Countrie may remove a Reader from a kirk, he being lawfully placed thereat, without a just cause : It was answered be the Assembly, That he may not be removed be them, without a just cause.

#### Sessio 5<sup>a</sup>.

According to the order taken the day preceeding, the brethren and others appointed to the limitation of the bounds to be committed to the Visitors of Countries, gave in their judgment, how they might be best and most commodiously visited ; wherewith the Assembly being adviced, divided the bounds to the Visitors underwritten, as after followes :—

To Mr Gilbert Foulzie,	}	Orkney and Zetland.
Mr James Annand,		
The Bishop of Ross, and his particular Kirk to be	}	Ross.
Channonrie of Ross, of his own consent,		
Mr George Hay,	-	Cathness.
The Bishop of Murray with assistance	}	Murrey.
of Mr George Hay, as he may,		

Mr Gilbert Gairdin :—Aberdeen and Banff, the Kirks of Boyn and Buchan from Etham, not exeeming Mr George Hay his Kirk.

Mr John Craig :—The Laigh of Marr and Garrioch, with the Kirks of the Mernes beyond the Munt upon the water of Dee.

John Strathawechin :—The High of Marr and Garrioch, with Mr George Hay his kirk.

The Laird of Dun,  
William Christefon,  
James Anderfon,

} Angus and Merns.

Mr John Row, with the affiſtance of Duncan M'Aula :—The bounds of Dunkeld, with the kirks of Sanct Andrews within Strathern, except the kirks of Dunkell within Fife and Angus, committed to the Viſiters thereof.

The Biſhop of Dumblane :—Dumblane, and the Kirk of Dumblane to be his particular kirk, of his own conſent.

Mr John Winrame with ſuch others as he ſhall chuſe, with advice of the Commiſſioners that are to paſs to Sanct Andrews :—Fife from Sanct Andrews to Leven.

David Ferguſon :—From Leven to Cambuſkenneth, the kirks of the Dioceſe of Sanct Andrews, from Forth to Tay on both ſides, to Newburgh, and therefra weſt, on the South ſide of the Ochills, the kirks of Sanct Andrews and Dunkeld.

The Superintendent of Lothian, } From Stirline to the  
Mr James Lowſon, } Water of Leith.

Mr David Lindſay :—From the Water of Leith to Cockburnes Peth incluſive.

John Clapperton, Miniſter of Coldſtreem :—Of Merce and Lanermuir.

Mr Andrew Clayhills :—For Tiviotdail.

John Brand :—For Tueddall.

Mr Andrew Hay, } For Cliddisdail, Renfrew,  
Mr David Cuningham, } and Lennox.

Mr Peter Watſon :—For Nithiſdale and Annandale.

Mr John Duncanſon :—For Galloway.

The Biſhop of Glaſgow being inquired, If he would accept of a particular charge and flock, or not, gave in his anſwer in writt to the Aſſembly, That he is content, while the next Aſſembly, unbound to travel with ſome

several parishes, at such tyme as his leasure and other necessar causes will permit, provyding he be not astricted to the said congregation; and at the next Asseembly he shall give his answer, whither he will accept a particular flock or not: and if he refuse, the Kirk not to reprove him for his last promise; and if he accept one, the samen shall be at his own option, and shall have another to assist him in the Ministrie of the said flock, because of his visitations and other charges: And also that the said Bishop shall not be precluded of his office accustomed in the rest of the parts of his Diocie, and service of the King, conform to the first admission; and desired thir things to be allowed be the Asseembly now present. The Generall Asseembly continues him in the office of Visitation of the bounds which he had before, to their next Asseembly. C.]

Mr James Lowson, Robert Pont, Alexander Arbuthnet, William Christeson, Johne Row and Johne Craig, with the Laird of Dun, are ordainit Commissioners to visite the Colledges of the Vniverstie of Sanct Androes, and to consider the same, the maner and the estate therof; and quhat they find to report to the next Asseembly.

[Anent the question moved in the Asseembly, Whither if the Asseembly may proceed against the unjust possessors of the patrimony of the Kirk and the poor, or not; and if they may proceed, how far they may: For answering directly and formally hereto, the Asseembly thought meet; first, it should be reasoned and disputed, If the Asseembly may proceed against such persons, unjust possessors of the said Patrimony of the Kirk; and after debating of the argument on either side, C.] The haill Asseembly concludit affirmativè, That they may proceed against unjust possessors of the Patrimony of the Kirk, in respect of the notorious slander; [and that as upon slander,] and sicklyke, that they proceed against them be doctrine and admonitioun; and last of all, if no remeid beis, with the censures of the Kirk: and farther, that the Patrimony of the Kirk, quhervpon the Kirk, the poore, the schooles should be sustaint, is ex jure divino; leivand the farther disputation of this matter to the first day of May next; and then the description of the Patrimony of the Kirk to be inquiryt at that day, and farther reasoning had for full resolution of the questioun.

Sessio 7<sup>a</sup>.

[Forfameikle as there are diverse questions and difficulties moved, and proponed to this Assemblie, whereof the full and finall resolution, be reason of the shortnes of the continuance of this Assembly, cannot presently be had, it is thought meet, That a copy of the saids questions be delivered to the Bishops, Superintendents and Visitors of Countries, to be propounded and advised in their Provinciall Conventioun, and reported again to the next Generall Assemblie.

The Bishop of Murrey, required be the Assembly to give proof of his doctrine be the brethren, declared, That he was content to give specimen and proof of his understanding, in the toun of Aberdeen, Dundie, or Murrey, before Mr John Craig, Minister of Aberdeen, and Mr Alexander Arbuthnet. The Assembly ordaines him to give the proof of his teaching before the saids persons, in their Provincial Assemblie next to come in Aberdeen, and the said brethren to report their judgment and opinion thereof to the next Generall Assembly: Farther, the said Bishop, at the will and sight of the said Assemblie, was content to accept the cure of a particular flock. C.]

[Ordained their brethren, Mr Robert Pont, Provest of the Trinitie Colledge, Mr James Lowson, Minister of Edinburgh, Mr Alexander Arbuthnet, Principal of the Colledge of Aberdeen, Mr Andrew Hay, Person of Renfrew, Mr David Lindsay, Minister of Leith, to review and oversie the book wrytin be their brother, Mr George Hay, contra Tyrie, and to consider and try the said work; and what judgment or opinion they conceive, the samen to propound to the next Assemblie of the brethren. C. & B.]

[Anent the demand of Mr Andrew Hay, Person of Renfrew, If every Visitor within his own bounds hath like power and jurisdiction to plant Ministers, suspend or depose for reasonable causes: The Assemblie resolved affirmativé, That they have a like power and jurisdiction therein, as is contained in the particular articles printed concerning the jurisdiction of the Visitors.

Forfameikle as it is heaviely deplored and lamented be certain of the godly brethren, That the Countrie, in all quarters thereof, is miserably divided in factions and deadly feed, in so much as the parishoners, for fear



and fufpicion which they have of others, dar not refort to their parifh kirks, to hear the word of unity preached, nor to receive the facrament and feals of their falvation ; quherof rifeth a shamefull and infufferable flander to the Kirk of God, and his true religion within this realme : It is therefore thought good, and concluded univerfally, That the Vifitors of the Countreies in all parts zealoufly fhall endeavour themfelves, and travell with parties, to reduce and bring them to a chriftian unitie and brotherly concord, as becometh the brethren and members of Jefus Chrift ; exhorting them, as they tender the falvation and well of their own fouls, to be at a heartie concord one with another, that the bleffing which is pronounced for the peaceable may be imparted and given to them ; and flander and offence arifeing to the Kirk through the occafion of their ungodly factions, may be cutt off and removed. C.]

[For making an overture of the policie and jurifdiction of the Kirk, and uttering the plain and fimple meaning of the Affembly therein, the Affembly prefent hath moved and requiefted their brethren underwritten, to travell and take pains to reafon and conferr upon the heads of the faid argument, and to deliberat gravely and circumfpectly thereupon, that they report their opinions advifedly to the next General Affembly, that is to fay, For the Weft Countrey, the Bifhop of Glasgow, Mrs Andro Melvill, Andro Hay, James Greige, David Cunighame ; for Lowthiane, Mrs Robert Pont, James Lowfone, David Lindfay, Clement Litle and Alexander Syme ; for Fyffe, The Superintendent therof, with the principall Mafters of the Vniverfitie ; for Angus and Mernes, the Laird of Dun, William Chriftefon, Johne Row, William Rynd, Johne Duncanfone ; for Aberdeen, Mr Johne Craig, Alexander Arbuthnet, George Hay : and thir perfons to conveye ilk countrey and rank in the places following, viz. The Weft in Glasgow ; Lowthiane in Edinburgh ; Fyfe in Sanct Androes ; Angus in Montrois, the firft Tuefday of Junij next to come, to conferre and advyfe vpon the faid matter, and make generall meiting and conventioun, twa or ane at leaft, of ilk countrey above wrytin, in Stirling, the laft of Julij thereafter, to communicat and cognofce vpon thair haill travells and labours taken heirin, and to conferre vniverfalie heirvpon together, and report quhat they have found and conceivit in the faid matter, to the nixt Affembly quhilk is appointit to be in Edinburgh the 24 of October nixt to come, in cace no Parliament : and in cace of a Parliament,

the Kirk ordaines the Ministers of Edinburgh to make intimatioun therof to the Bifchops, Superintendents and Vifitors of countreyis, that the Kirk may be conveynit foure dayes befor the faid Parliament, and that the Barrones and gentlemen be exhortit to be prefent with the Commiffioners appointit in the Provinciall Affemblies. C. & B.]

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A. D. M.D.LXXVI.

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THE Generall Assemblie convenit at Edinburgh, the xxiiij day of October 1576: Wher there was present the Bishops of Glasgow and Dumblane, Superintendents, Commissioners of Provinces, Townes, and Vniversities. Mr John Craig [Minister of Aberdeen] Moderatour.

Seffio 1<sup>a</sup>.

[In the tryal of Bishops, Superintendents and Commissioners, Mr Andrew Clayhills, Commissioner of Tiviotdale, was complained upon, That, after he had discharged the Minister of Ankrom to baptize a mans child, who had an idol in his house, he himself came after, and caused the said Minister to pass out of his pulpit, and baptized the bearne, whereupon a thisme followed in his congregation: 2dly, He had refused to give forth an edict, as the Synodall Assembly had ordained, to summond persons who had not repaired to the Communion: 3dly, He would not be tryed be the Synodall Assemblie, as they were be him, but said that he would be superior over them: Fourthly, That he restored two Readers who were suspended be the said Assembly, within eight days after their suspension, without their advice. To the first, he answered, He baptized the said bearn, becaus after that George Johnston, Minister, had refused to baptize him at his command, the woman who bear the bearn, conceived displeasure and dyed; whereupon her husband conceived a deadly feed against the Minister, and would not suffer him to baptize the bearne; alwife, after

promife taken to put away his idol, for elhewing of greater inconvenience, he baptized the bearn. The 2d and 3d he denied. As to the laft, He reftored the Reader with content of the brethren.

Mr George Hay, Commiffioner of Cathnefs, at the defire of the Affembly, rendered up his commiffion, as alfo did the reft of the Commiffioners who were prefent. Mr Andrew Hay, John Duncanfon, Mr Peter Watfon, Mr John Row, were not only willing to give up their commiffions, but alfo craved to be exhonerated thereof. C.]

Mr John Row, David Lindefay, Patrick Adamfone, were dire&tit fra the Affembly to fute my Lord Regents Graces prefence at this Convention, or vthers authorizit with his commiffioun.

### Seffio 2<sup>a</sup>.

[The brethren directed to my Lord Regents Grace] reportit, That the charge of the Kirk came fo suddenlie [to him] that he could not be prefent, nor addrefse his Commiffioners thereto: Alwayes, if the Kirk thinks meitt, he fall appoint certaine of the Counfell to conveine with the Commiffioners quhilk the Kirk fall appoint, at fick tymes as the Kirk fall think good, to conferre vpon fick things as may further the glorie of God.

[Forfamekle as the Affembly preceeding had given commiffion to fome of the brethren to confult upon the matter of the Policie of the Kirk, and to report their judgment contained formalie in writt to this Affembly, wherein fome travels have been taken be the brethren, and fomething penned: C.] It is thocht good be the Kirk, That fick things as are alreadie pennit anent the Policie of the Kirk, as was ordainit be the laft Affembly, fould be reuifit, and vther things quhilk falbe prefentlie given in, fightit and put in good forme [and order:] And to that effect the Kirk requeifts my Lord Chancellor, the Laird of Lundie, Mr Andro Hay, Andro Melvill, James Lowfone, Johnie Durie, Robert Pont, James Wilkie, Re&tor of the Vniuerfite of Sanct Androes, Johnie Row, George Hay, Clement Litle, to conveine at afternoone, and daylie dureand the Affembly, at fick hours as they aggrie vpon, to conferre vpon the things already pennit, with vthers quhilk wilbe given in, and advyfe therevpon, collect together in good forme, and prefent the fame to the Affembly, befor the diffolving therof.

Because of the multitude of the bookes of Commissionars quihiks are to be examinat in the Generall Assemblies, and large tyme spendit therein ; befyd sikk as are deput thereto knows not the proceedings of the saids Commissioners sa weil as thair Synodall Assemblies : Therfor, it is decreit and statute be the Kirk present, That the bookes of the Visitors and Commissioners be tryit and sein in there Synodall Assemblies, and subscriyvit be the Clerks therof, and the most part of the said Assembly, and reportit againe to ilk Generall Assembly be the Commissioners, that the Kirk may consider thair diligence in thair offices.

[The Assembly remembring the Bilhop of Murrey his admiffion to stand yet under question, and that he, with his Chapter, was ordained to have been summoned to fundrie Assemblies, to have heard trial taken of the said procefs, with certification, if they compeared not, the sament should be declared null and void in itself in tymes coming, and yet nothing done, hath ordained summons to be direct, summoning him, with the Chapter foresaid, To produce the said procefs, and hear trial taken therein, the second day of the next Assembly, with certification, if they compeared not, the same shall be declared null and void in the self in times coming ; to be execut be their brethren, Mr George Hay, &c.

Forfamekle as the dishaunting and intermission of Exercise almost every where is greatly lamented, and the chief reason thereof is for lack of penaltie and punishment of such as either should prophesie themselves, or occupy the second place of Addition : Therefore C.] The Assembly present hes [thought meet and] ordainit, That all Ministers and Reidars within aught myles, or vtherwayes at the good discretioun of the Visitor, fall resort to the place of Exercise ilk day of Exercise, and namelie the Ministers that sould prophesie, and that sould adde : Quherin if either of these two failzie, That, for the first fault, in presence of the brethren of the Exercise, vpon thair knees they confesse thair offence ; That, for the second, they make the lyke submissioun befor the Synodall Assembly ; if they incurre the thrid, That they be summoned befor the Generall Assembly, and receive discipline for their offence ; and if they fall in the fourth fault, That they be depyvrit of thair offices and functiouns of the Ministrie.

The Kirk gives commissioun to the Laird of Dunne to summond Mr James Fotheringame befor him, and to take tryall of the slander of haynous adulterie betuixt him and Margret Lindefay, and of ane pretendit mariage

alledgit folemnizat and compleit betuixt them, and to report his proceeding heirintill to the next Generall Affemblie ; with power alfo to him, to charge the faid Mr James and Margret Lindesay to feparate themfelves fra vther, quhill tryall be takin of the faid flander, under the paine of excommunication ; and if they diffobey, to excommunicat them : And, in the meane tyme, in refpect of the contempt of the Kirk, in not making his purgatioun of the faid flander befor the faid Superintendent, being thereto fummoned, the Affemblie prefent fufpends him fra all functioun and office within the Kirk.

Seflio 3<sup>a</sup>.

Anent the propofitioun of certaine brethren of the Affemblie, declarand that the Regents Grace hes presentit Mr Patrick Adamfon to the Bifhoprick of Sanct Androes, and that, be the ordinance of the Affemblie, Bifchops fould be tryit befor them, befor they be admittit be the Chapter, Requyreand both the counfell and advyle of the Kirk herein : The faid Mr Patrick being prefent anfuerit, That my Lord Regents Grace had difchargeit him to proceed farther in this matter, in refpect the faid act and ordinance of the Kirk is not accordit on ; and therfor he wald not midle farther and make instance therein ; quhilk anfuer the Kirk thocht fould be given be the Chapter to my Lord Regents Grace.

Seflio 4<sup>a</sup>.

[The Affembly thought meet, that Mr Patrick Adamfon, Mr John Row and Mr David Lindfay notifie to the Regents Grace the order to be taken for the Vifitors of Countries, and what number the Affembly thinks good, according to the divifion of the bounds, with the names of the Vifitors, if he fhall require ; defiring provision to be made for them, and to returne his Graces anfuer again.

Sello 5<sup>a</sup>.

The brethren direct to the Regents Grace, to know his Graces will concerning the Visitors, returned his answer, That he would be advised with the rolls and the Colleetour. C. & B.]

[The Assembly continueth all the Commissioners that were appointed in the last Assembly, except Mr John Gairdin, in their offices till the next Assembly; and in place of the said Mr John Gardin, gives commission to John Vre to visit the bounds appointit to the said Mr John of before.

Mr Andrew Hay protested, That he be not obliged to farther than he may doe reasonably upon his own expenses, otherwayes accepteth not the commission.

The same day, C.] Alexander Hay, Clark to the Secreit Counsell, presentit to the Assembly certaine questiouns, quherof he craveit decison for the better expedition of the platt; declaring it to be my Lord Regents Graces will, at the least so many as now may [goodly] have resolution; [that others of greater importance and difficulty be referred to better oportunitie.]

[The Questions are not extant in the Register of the Assembly, but the tenour of them found in a certain copy, followeth:—

1. Ought there to be any degrees of dignitie, and order among Ministers, in respect of learning, age, or places where they make residence.

2. May Elders, Deacons, Ministers once elected, and accepting the charge, leave the same again during their lifetime.

3. Shall the order of the Elders and Deacons be alike in every parish, as well without burgh, as within; in little parishes, as mekle; as well where there wants a Minister, as where there is one; fall their power and authority be in every particular parish alike, and their number alike.

4. Ought any teinds or duties be fought from the parochiners that want ministration.



5. Resteth the power of excommunication with the Minister, Elders and Deacons of every particular Kirk ; or is it requisite, That they receive advice and direction thereanent from the Archbishop, Bishop, Superintendent, Committioner or Visitor of the Diocie.

6. How many of their names and offices are tolerable in Gods Kirk ; and what is the difference between them.

7. Shall he that overseeth the other Ministers, whether he be provided for term of life, or for a tyme, do things him alone, or shall he have any Counsell, Assessors or Chapter.

8. How far may the Ministers, Elders and Deacons of every particular kirk and parish proceed ; and in what causes.

9. What cause properly belongs to the decision of the particular Assembly of any Diocie, Shyre or Province ; who are subject to convene thereto, how oft, and at what places.

10. How many Generall Assemblies ought to be within a kingdom ; be whom they should be convocat ; for what cause ; what forme of summoning and of proceeding ; who shall be President ; and how many shall have power of voting ; upon what matters may the Generall Assembly intreat ; what executions and pains upon the acts and decreets ; what persons ought ordinarily to be present thereat ; what pains against them that ought to come, and absent themselves ; how far may be proceeded, in case the greatest part that should come, compare not ; and whether may the fewer number convening, give law to the greater being absent.

11. Who shall occupie the place of the Ecclesiastical Estate in the Kings Parliaments, Conventions and Counsels, and how many.

12. What is the proper patrimonie of the Kirk.

13. Shall all Ministers livings be alike in quantitie, because they are thought to be alike in dignitie.

14. He who is thought worthy to preach the word and minister the sacraments, Is he not also worthy to be promoted to any benefice, seeing it is thought there is no preferment of dignitie among Ministers in respect of anie qualitie.

15. Shall benefices be conferred to particular Ministers in title, or shall the rents of all come to a common collection, and be distributed at the discretion of the General Assembly of the Diocie.

16. Shall the Diocese, or provinces and the parishes continue accord-

ing to the present diviſion of them; or if there appeareth any alteration requiſit, be whoſe authority ought it to be done.

17. What are the cauſes, and what ſhall be the manner of ſuſpenſion and deprivation of perſons being in the Miniſtrie from their functions and livings, and whether ſhall the proceſs . . . or ſhall the perſon accuſed have a lybell to anſwer unto, and what execution ſhall follow upon the ſentence.

18. Shall depoſition from the office and function induce alſo deprivation from the benefice and living, and what forme of proceſs in that behalf.

19. Whether dilapidation of the rents of the benefices, non reſidence, pluralities, committing of ſlaughter, adultery, ſimony and ſuch deteſtable crimes deſerve deprivation of perſons provyded to benefices, and what manner of judgment therefore.

20. What is Simonie.

21. If non reſidence of perſons bruiſing benefices, and occupying of ordinary offices in the Kirk, merits deprivation, why ſhould not the order as well extend to them provyded of old, as to them provided ſince the Kings coronation, conſidering whatever is unlawfull againſt conſcience, and contrar the will of God at this preſent, hath been wrong and unjuſt in all times preceeding; and the longer unjuſt poſſeſſion continues, it heapeth the greater damnation upon the poſſeſſors.

22. Whether may any man be both a Miniſter, and a Maſter of a ſchool, or Provost of a Colledge.

23. Whether may a man be both a Biſhop, and a Lord of the Seat.

24. Whether may a man be both a Miniſter and a Procurator or Man of Law, a Sheriff, a Toun Clerk, a Notar or a Conſiſtorie Clerk.

25. Whether may a man be both a Miniſter and a Commiſſar of the Conſiſtorie.

26. Whether may a man be both a Miniſter and a Sheriff or Juſtice Criminal, or Provost, Bailiff or Seargant of a toun.

27. Whether may a man be both a Miniſter and a Reader, or an officer of armes, or a Lord or Lairds ſtewart, grieve, pantryman, or porter.

28. Whether if a man may be both a laird or landed man, and therewithall a Miniſter or a Reader: in caſe the Kings proclamation come, or that he be ſummoned upon aſſiſes or inqueiſts in criminal or civil cauſes,

ought he to pafs to the warrs, and keep the Shireff and Justice Courts ; or is he, be any law, exeemed, in refpect of his miniftration or reading.

29. In caſe the Miniſter or Biſhop conquels lands to be holden of the King, or other ſuperior, for perſonal ſervice in the warres or ſicklyke, how may he of conſcience diſcharge both the one and the other function.

30. Shall payment of the thrids be perpetual, or for a time.

31. What benefices preſently ought to pay thrids, and what benefices none.

32. What proviſion for the wives and bearnes of the Miniſters deceaſing, and how long ſhall they continue with the manſes and gleebes unre-moved.

33. Who ſhall be judges in cauſes of matrimony and divorcement, of teſtaments, of the right of patronages, of benefices, of tinfell and deprivation from benefices, of the payment of Eccleſiaſtical rents and livings, of flanders.

34. How many ſufficient and worthy Miniſters to preach the word and miniſter the ſacraments, is there preſently within the realme of Scotland, and what are their names, at what kirks were it meeteſt to place them, what living and ſtipend to appoint to every one of them, and whether meeter to provide them for terme of life, or but from Aſſembly.

35. What ſhall be the condition of kirks and parochies, where no Miniſters are preſently to be placed.

36. Shall the Readers be preſently diſcharged, or not ; what are there names, and how many of them eſteem ye worthy or unworthie to be continued.

37. A man provyded of old to a benefice, and now ſerving at another kirk for a ſtipend, Whether is he juſt poſſeſſor of the benefice, or may he be compted mercenarius for his ſtipend.

38. What difference to accept the title of a benefice of four pariſh kirks annexed to it, and to accept the ſervice and miniftration of four ſeveral pariſh kirks that are no greater bounds nor number of pariſhioners than the other.

39. Are the articles and forms accorded upon at Leith, in Januar 1571, altogether to be followed, or altogether preſently to be caſten off and rejected ; or what indifferent thing were proper and convenient to be followed.

40. Is it againſt conſcience and good order, That one man ſhall be

appointed Reader to fundrie kirks, or that one mans name fall be twife written in the book to two fundrie places, that he may thereby get two stipends.

41. Whether hath the City of Geneva committed facriledge, or not, in appointing of the rents and teinds of their Bishopricks to their common theasure, paying but a certain portion thereof to the stipends of their Ministers.

42. Since be the lovable custome of the primitive Kirk, the Kirk rents were distributed in four parts, viz. to the schools, the poor, the upholding of kirks, and the Minister or Pastor, Ought not the rents of all benefices and stipends now possessed and received be Ministers, and the rents of all lands, or teinds conquered and possessed be them, either of the former kirk rents, or be meane thereof be the new reformed Kirk of Scotland, semblable be divided, and applyed according to this order of the primitive Kirk. C.]

Anent the qualities of Readers, It is thought meit, That the hail Reidars within this realme salbe examinat and tryit de novo in thair Synodall Assemblies; and if, after examinatioun, they be found to want the qualities prescryvit in the Booke of Discipline, to be deposit, and removit fra thair offices: And, sicklyke, That no Reidar within this realme minister the holie sacraments of the Lord, except sick as hes the words of exhortatioun, in their mouths.

[For reiding of the bills and supplicatiouns given in to this Assemblée, and answering thereof, the Assemblée hath named and deput their brethren, Mr James Melvill, Mr Andrew Mylne, Mr James Carmichael, John Duncanfone. C.]

### Sessio 6a.

[Anent the proposition made be Mr Henry Kinrofs, Advocat, in name of our Soverain Lords Sesslion, putting the Assemblée in remembrance of an act and order made be them, for in bringing of the persones defunct,

desireing the Kirks answer, what had been done herein : The Assembly and Commissioners present understanding be the greatest part of the brethren, that the said act was not put in execution for lack of knowing of the same ; after public reading thereof, ordaines the said act and ordinance to be kepted and observed against the next Assemblie ; and the names of the persons deceifed since the date hereof, to be reported to the Generall Assembly, conforme to the said ordinance : And to the effect, that the same may be universallie kepted and observed in times coming, It is thought meitt, that in every parochin, ther be persons appointed to break the earth, and to make sepulchres, that shall notifie the names of the persons deceissit to the Reidars, that they may present the same to the Commissioners, to report the same to the Generall Assemblie. C. & B.]

Forameikle as the Kirk and Commissioners present, advysedlie considering the great prejudice and hurt done to the Kirk of God be beneficit persons within the Ministrie, that settis fewis and taks of thair benefices and ecclesiastical livings, lands, rents, teinds and fruites of the samein, defraudand not only their succellours of that quibilk justlie should pertaine to them, and quhervpon they aught to be sustaint ; bot also bringand vpon the Kirk be thair inordinat and corrupt dealing, infinite slanderes and inconvenients : Therfor, with vniformitie of votes and myndes, they have concludit, That no beneficit person within the Ministrie, Bischops or ythers, shall sett fewis or taks of their benefices, or ecclesiastical livings, lands, rents, teinds and fruites of the same, or any part therof, to quhatsoever person or persons, without the advyse and consent of the General Assemblie of the Kirk : and, sicklyke, that no Minister subscriue nor give thair consent to the saids fewis or taks, in any wayes, quhill they sie the consent of the Assemblie.

For better resolution of the questiouns given in be Alexander Hay, Clerk of the Secreit Counsell, and expeditioun of the matter of the Policie ; The Kirk present hes ordainit Mr Johne Craig, William Christefone ; George Hay, John Duncanfone, Andro Melvill, James Melvill, Andro Hay, David Cunnighame, Johne Row, James Greig, James Lowfone, David Lindefay, Robert Pont, David Fergufone, Robert Hamiltoun, Johne Robertfone, Johne Erskine of Dunne, ane of the Visitours of Angus and Mearnes, if he beis present, to conveyne the nixt day after the dissolution of this Assemblie, and visit and consider the heids of the Policie, advyse and consult diligentlie therupon, and vpon the saids questiouns, and

to report their judgements theranent, conceivit formallie in wryt, to the next Assemblie.

[Anent the heads and articles of accusation given against Mr Thomas Hepburne: The Assembly committs the vilitation of the same to their brethren, Mr John Row, Mr James Lawfon, Mr David Lindsey and Mr Andrew Melvill, and to receive his answers to the said accusations after-noon. The same day the accusations with their answers being reported to the Assembly at afternoon, and read, and the said Mr Thomas inquired, namely, of the doctrine taught be him, That no Soul entereth in heaven, where Christ is glorified, while the latter judgement, if the same be damnable and erroneous, or not: Answered, That he had learned the sames opinion out of certain ancient Doctors of the Kirk; nevertheless if a better reason be brought to refute the sames, he will not adhere contumaciously to his own witt, but yield to the better reason: for which purpose he desired he might have conference and privie concurrence of certain of the learned brethren, namely, of Mr John Craig, Mr John Row, Mr Andrew Melvil, Mr Robert Pont, Mr George Hay, Mr James Lawfon; wherunto the Assembly accorded, and appointed the said brethren to convene the morne, at 8 hours in Mr James Lawfons house, with the said Mr Thomas to that effect, and to report their judgements upon his answers, as well concerning the said article and doctrine, as other articles of accusation laid to his charge, at ten hours. C.]

Anent the sumounding of the Moderatour, and Mr Andro Hay, Commissioner of Cliddildale, to compeir befor my Lord Regents Grace and the Princes Counfall, bringand with them the act and ordinance, made be the Assemblie for excommunication of the Captaine of Crawford, with the act quhervpon the same proceedit, that the veritie might be knawin: The Kirk ordaines thair brether to appear befor my Lord Regents Grace and Counsell, and give obedience, and to report quhat beis done in that matter.

Returneand to the Assemblie fra his Grace and Counsell, they declarit, That, in respect they producit not the acts and ordinance forsaid, quhill they excused be shortness of the charge, and occupatioun of the Clark, his Grace and Counsell hes suspendit the said sentence of excommunication quhill the production of the saidis acts; quherfor they protestit for the libertie of the Kirk.



[Anent the supplicatioun given in be the toun of Dumferline, for liberty to be granted them to play upon a Sunday afternoon, a certain play which is not made upon the Canonical parts of the Scripture: The Assemblie refuses to give libertie to the Bailzie of Dumfermling to play upon the Sonday afternoone, a certaine play quhilk is not made upon the Canonickall parts of the Scripture, in respect of the act of the Assemblie past in the contrair; exhorting the Bailie of Dumfermling, presenter of the bill, to requiest the toun to keep the ordinance of the Assemblie. C. & B.]

Sessio 7<sup>a</sup>.

[Anent the doubts and difficulties proponed in the matter concerning Mr Robert Hamilton, Minister of Sanct Andrews, and Provost of the New Colledge thereof, to witt, Which of the two offices, Provestrie, or Ministrie of Sanct Andrews, he should retain and enjoy; seeing it is Found and thought he may not brook both. The Assembly and Commissioners present, after long and prolix reasoning had in the matter, considering the said Mr Roberts first entrie in the function and office of the Ministrie of Sanct Andrews, quherto, without advice of the Assemblie, he had unite the said provestrie: and seeing, be the act of the last Assembly, the said two offices are not found compatible in his person, Decerns and ordaines the said Mr Robert Hamilton to remaine still with the Ministrie and Pastorschip of Sanct Andrews, and to watch and attend zealously and diligently upon the cure and charge thereof, as becometh a faithful and vigilant pastor to doe to his flock, and in the name and fear of God, to leave and cast off the said office and charge of Provestrie of the New Colledge, as an impediment, stay, and hinderance to his office and calling of the Ministrie, under the pain of the censures of the Kirk. C. & B.] Mr William Skene, Commissioner of Sanct Androes, in name of the New Colledge and electours of the said Mr Robert to the said Provestrie, dissentit fra this sentence; quherunto the said Mr Robert adherit, in respect, as he alledgit, the Kirk could not discharge him of the Provestrie, and that he could not beare the burden of the hail Kirk of Sanct Androes in his awin person.

[According to the ordinance of the Assembly, the brethren depute to the reason and conference with Mr Thomas Hepburne, anent the



Article of doctrine teachit and professit be him, That never Soule went to heaven before the latter day, and to give their judgement upon his answer thereto, with the answer made to the remanent articles laid to his charge, reported, That they had entered in reasoning and conference with the said Mr Thomas, concerning the article of Doctrine above written, and laid before him fundrie testimonies of Scripture, and reasons confuting and evicting the said error, which always have not satisfiied the said Mr Thomas; yet if the Assemblie present will damne the same article of doctrine, as erroneous and heretical in whatsomever professing the same, the said Mr Thomas will give place to their judgment, and leave his opinion therein; which report being alswa allowed be the said Mr Thomas to be his mind and declaration: The Kirk, after reiding publiclie of the said Article, of ane mynd and voyce but exceptioun, altogether damnit and detestit the said Article, and adjudgit the same to be heretical, false, and errorious, repugnant and contrarious to the plaine and evident word of God, reveilit in his sacred and holy Scriptures, foundit and having the ground only upon curiosity of mens witts, without assurance of Gods law; and, therfor, inhibites all and quhatsumevir persons publicklye or privatlye to maintaine and defend the said errour, vnder the paine of the censures of the Kirk; leavand alwayes the said Mr Thomas to privie conference with sic brether of the Ministrie, as he thinks good, for his resolution in the said matter: And alwayes for consideration presentlie move-and the Kirk, discharges the said Mr Thomas fra entering in the Ministrie, quhill the Kirk be farther advist. C. & B.]

[Ordaines the Ministers of Edinburgh to try diligentlie and examine

Forlyth, proponed to the brethren presentlie to enter in the Ministrie, if he be qualified and apt for the charge thereof, and able to discharge the dutie and office of a Minister, without the knowledge of the Latin tongue; and if they after trial, do find him meet for the samen, notwithstanding the inlaikie of the knowledge of the said tongue, to give their testimonial therupon to the Commissioner of the countrie, within whose province he shall happen to receive the cure, that they may admit him; otherwise reject and repell him. C.]

Anent the proposition of the brether of the Chapter of Sanct Androes, declarand that my Lord Regents Grace hes presentit Mr Patrick Adamson to the Bishoprick of Sanct Androes; and they beand of the Chapter, in respect of the act and ordinance of the Generall Assemblie, delayit thair

proceeding therin, desyreand the Assemlie present to proceed to the tryall of him, conforme to the said act : The said Mr Patrick being present and requyrit be the Assemlie, If he wald submitt himselfe to the tryall and examinatioun of the Assemlie, and receive the office of a Bischop according to the injunctions of the Kirk, and conditionns qualified in the Register of the Kirk : He anfuierit, He could not doe the same.

[Questions resolved by the whole Assembly.

Q. Whether if salt pans, mylnes, and other labouring, which drawes away innumerable people from hearing the word of God, should be permitted to goe on the Sabbath day ; and, Whither the Assembly should not oppone themselves hereunto, and make strait acts in the contrair. C.] A. Salt pannes, mylnes, and vther labouring, quhilk drawes away innumerable peiple from the heiring of the word of God, sould not be permitted, and the violaters to be debarrit from the benefites of the Kirk, quhill they make thair repentance, and the continuers therin to be excommunicat.

[Q. Whether if a man or a woman divorced for adultery ought to be admitted to the second marriage ; and if the Kirk ought not, like as they have inhibit the Ministers to marrie any such, so plainly to give their judgements in this case, and to declare it to be unlawfull, specially in respect of the great inconveniences that follow daily thereof ; namely, some forge causes of adultery ; some make causes indeed ; and some be collusion corrupt judgements ; and all in hope of a new marriage, which daily they attain unto be some hyeling swaikes, who are but suspended therefor for a while ; swa that if provision be not shortly made hereunto, no man may brooke his wife, nor no wife her husband longer than they lyke ; and a barbarous confusion unknown to the very Ethnicks and Turks shall enter in among us. C.] A. The Kirk will not presently resolve the question, Whither if a man or a woman divorcit for adulterie, aught to be admitted to the second mariage ; but inhibites all Ministers and Reidars to marie any sick persons, vnder the paine of deprivation simpliciter, without any restitution to thair offices in tymes cuming ; and the persons so joynit, to be chargeit to separate themselves, conforme to the Act of the Assembly in August 1574.

[What forme of repentance shall be enjoined to a man that committs both adultery and inceft. C.] A. Ane man that committs both adulterie and inceft, fould be double punifhed.

[Whether if a Miniſter or Reidar may tap aile, bear, or wine, and keep an open tavern. C.] A. Ane Miniſter or Reidar that taps aill or beir or wyne, and keips ane opin taverne, fould be exhortit be the Commiſſioners to keip decorum.

Whither if burials ſould be in the kirk or not : Anfuerit, Not : and that the contraveiners be ſuſpendit fra the benefites of the Kirk, quhill they make publick repentance.

[What puniſhment ſhall be enjoined to an adulterer relapſed : C.] A. Relapſe in adulterie is double puniſchit.

#### Seflio 8<sup>a</sup>

Anent the requiſition of the Aſſemblic made to James Biſhop of Glaſgow, to give his anſuer, If he will accept of the charge of ane particular flock, and viſitation of ſick bounds as the Kirk ſhall think good and appoint to him, conforme to the articles concludit in the Aſſemblic : The ſaid Biſhop being preſent exhibite to the Kirk his anſwer heirto in wryte, as followes.

Forſameikle as it is not vnknowin to your Wiſdomes, that ge gave commiſſion and charge to certaine learnit, godlie, and diſcreit brether of the Miniſtrie, and vthers, Elders of the Kirk, to commoun, treat, conclude, and agrie with certaine vther Noblemen, Commiſſioners from the Kings Maieſtie, Johnne vmquihle Erle of Marre his Regent ; at the quhilk Conference it was agreit be the baill Commiſſioners, aſweill of the King as of the Kirk, anent the name, ſyle, power and juridiſtioun of the Biſhops, with the forme and manner of thair inſtitutioun, Ordainit to ſtand and remaine quhill the Kings Maieſties geirs of minoritie, or, at the leaſt, quhill a Parliament ſould vtherwayes decyde ; and, conforme to the ordour therin conteinit, he was receivit in the ſaid Biſhoprick of Glaſgow, and made his fermoun to the Kings Maieſtie, in things pertaining to his Hienes ; and ſwa if he ſould

change or alter any thing pertaining to the ordour, manner, or priveledges, or power of the same, I should be afraid to incurre perjury, and might be called before the Kings Majesty, for changing ane Member of his Estate : but to the effect your Wisdoms may know, he desires not to be exempt from travelling, and bestowing of sick gifts as God has communicated to him, he is content, at their command, to haunt to ane particular kirk, and to teach thereat, when he dwells in the Sheriffdome of Air, and that be discretious and light of the brethren of that Countrey ; and when he is in Glasgow, to exercise lykeways at some part, when the brethren there think most necessary, and to abide their judgment of his diligence in that behalf, without binding him on any wayes, or prejudging the power and jurisdiction which he receiveth with the said Bishoprick, unto the tyme prescribed in the said Conference, that farther ordour be taken be the haill Estates thereanent ; at which tyme he shall be content with all good reformation as shall be found expedient. Which answer being read, the Kirk continued, and continued the said Bishop in the visitation of the bounds which he had before, to the next Assembly ; and as to the particular flock, [the Assembly is content he take the care of a particular flock,] as is mentioned in his answer, to the next General Assembly.

Anent the forme of repentance of fornicators : The Kirk and Commissioners present has voted and concluded, That ane of the dayes of their appearance to make repentance for their offence, be on ane Sunday at ten houres before noone, in tyme of preaching, in presence of the congregation ; and that double fornicators receive double punishment for their offence.

[In respect of the absence of John Vre, one of the Commissioners appointed to the visitation of Fife, the General Assembly ordaines David Fergusson, one of the said Commissioners, to supply his room in entering of the Ministers and Readers within his bounds, in the book of assignments, *hac vice tantum*.

The same day, Mr James Lowson, Minister of Edinburgh, reported to the Assembly and Commissioners present, an acquittance and discharge of the money collected for the help and supply of the exiled brethren of the French Kirk in England, with a roll of the names of the persons contributing thereto, and the quantity of every mans contribution, desiring the one and the other to be registered and booked in the Register of the

Kirk, ad perpetuam rei memoriam ; which desire the Assemblie thought good, and ordained, and ordaines the samen to be registred among the Aëts of ane Assemblie, to be a testimonial to the posterity and age to come, of the good mind and zeal of the charitable persons, that succoured the necessity of their said brethren in the day of their extremity : The tenor of the said exoneration and rolls shall appear hereafter. Further, the said Mr James expounded and shewed, that, since the delivery of the said money, be the diligence and procurement of the Visitors and Superintendents, some more money is brought in and received be him ; willing the Assemblie to declare what shall be done therewith, and how the same is thought to be employed : The Assemblie thinks it meet, That the samen shall be keeped be the said Mr James, and remain in his hands, till order be tane herewith. C.]

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[Apud Haliruidhous penultimo Octobris Anno m v<sup>e</sup> lxxvj.

Sederunt.

Jacobus Dominus Regens.

Archibaldus Comes Angusie.

Comes de Buchane.

Joannes Dominus Maxwell.

Joannes Dominus Hereis.

Jacobus Episcopus Glasguensis.

Adam Episcopus Orchadenfis.

Robertus Commendatarius de Dunfermling.

Commendatarius de Culros.

Marcus Commendatarius de Newbottill.

Anent the complaint maid to my Lord Regentis Grace and Lordis of Secreit Counsaile be Johnne Carmichaell of Medoflatt, makand mentioun, That quhair vpoun proclamatioun of bandis for mariage to be completit

betuix him and Elizabeth Scott his spous ; they beand fre perfonis, thair mariage wes folempnizat in the moneth of Apryle laft bipaft, conforme to the ordour of the Kirk ; git be qubat occafion he knawis not, Maifter Williame Livingftoun thair Miniſter, allegeand him to haue command of the Biſhop and Commiſſionar within the Diocie of Glasgow, to admoneis the ſaid Johnne Carmichaell to abſtene fra his ſaid ſpous, vnder the pane of excommunicatioun, quha myndis to proceed therto : for remeid quhair of he preſentit himſelf to the preſent Generall Aſſemble, deſyrand the ſaid command to be diſchargeit, in reſpect of his ſaid mariage ſtandand vn-reduceit, or diſchargeit null be the Juge Ordinar ; nottheles Maifter Johnne Craig, Moderator, opponit in the contrair, allegeand the Kirk to haue maid ane generall aēt and ordinance anent all perſonis allegeit adulteraris, quhairby thay haif ordanit the ſaid Johnne Carmichaell to abſtene fra his ſaid ſpous, ay and quhill it be decernit and tryit quidder thair mariage be lauchfull or not, vnder the pane of excommunicatioun : Qubilk ordinance is and mon be repugnant to the law of God, inſafar as they are mareit conforme to the ordour of the Kirk, with all folempniteis requirit therto ; ſwa of the law it is prefumit to be lauchfull, and neids na forder declaratour ; and gevand it wer not lauchfull, git the ſaid adminiſtratioun is evill viſt aganis the ſaid Johnne befor cognitioun be tane theranent, quhilk is not git done : And attour, gevand they haue ony ſic aēt, that aēt is bot prevat, na publicatioun being maid thair of, nor git authorizit be Parliament, as it aucht to be befor it tak effect ; and thairfor is null with the ſaid executioun following thairupoun ; nottheleſs thay will not fail to proceed to the ſaid excommunicatioun aganis all reſſoun, without remeid be prouidit. And anent the charge gevin to James Biſchope of Glasgow, Maifter Johnne Craig, and Maifter Andro Hay, to haue comperit befor my Lord Regentis Grace and Lordis of Secreit Counſale this day, bringand with thame the ſaid command of excommunicatioun togidder with the aēt quhairupoun the ſamyn procedit, to the effect that thay mycht vnderſtand the trewth of the ſaid matter, and thairefor tak ordour thairin as ap-pertenit, lyke as at mair lenth is contenit in the ſaid complaint : The ſaid Johnne Carmichaell comperand perſonalie with Maifter Henry Balfour his prelocutour ; and the ſaids James Biſhop of Glasgow, Maifter Johnne Craig, and Maifter Andro Hay, being alſua perſonalie preſent ; the ſaid Maifter Andro wes requirit to produce the ſaid aēt quhairupoun the ſaid command of

excommunicatioun, gevin be him, procedit : And he refusand, allegeand the same not git to be extractit furth of the bukis of the Generall Asseble of the Kirk, my Lord Regentis Grace thairfoir, with auise of the saids Lordis, suspendis the executioun of the said act and command following thairupoun, in tyme cuming, vpoun the said Johnne, ay and quhill the samyn be produceit befor his Grace and Lordis foirsaid, and that the said Johnne be warnit to the produccioun thairof, as efferis.—Reg. Sec. Conc.]

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A. D. M.D.LXXVII.

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THE Generall Affemblic conveinit at Edinburgh, in the Counsell houle, the first of Aprile 1577: Wherein were present the Bishops of Glasgou and Dumblane, Superintendents, Commissioners of Countreyes, Kirks and Vniverfities, Ministers and vthers. Mr Alexander Arbuthnet, Principall of the Colledge of Aberdein, Moderatour.

Because the said Mr Alexander, Moderatour, was absent from the last Affemblic, and, in that respect, not forsein of the things done therin, at his desyre the Kirk appointit [their loved brethren] the Laird of Dun, Mrs James Lowson [Minister of Edinburgh,] Robert Pont, [Provest of the Trinitie Colledge,] David Lindefay, [Minister of Leith,] Andro Hay, [Commissioner of Cliddisdail,] John Craig, [Minister of Aberdeen,] Andro Melvill, [Principall of Glasgou,] to concurre with him the morne at seven houres in the morning, [in the Nether Tolbuith, to conferr] and advyse with him vpon sick things as falbe thocht good to be handlit in this Affemblic.

Sessio 1<sup>a</sup>.

[Forfameikle as the chief and principal argument to be treatit and reasoned in this Affemblic, is the Policie of the Kirk, reserved in their last Assembly to be handled and disputat at this, the brether deput to the conceiving and forming of the heids therof, being callit to give count of thair diligence and industrie in this behalf, presented the heads of the Policie, as

they had made partition therof at thair Affemblic in Striveling, with the judgment of the labours of the whole brethren tane therein. C. & B.]

Thereafter was presented the heids pennit be Mrs Johne Row and James Lowfone, which were red, and nothing agains laid, except ane of the said Mr Johnes articles referrit to farther disputation; all men beand requyrit, that had good reason or argument to propone in the contrair, to alledge the same; or if they wald not publickly reason vpon the said heid, to resort to the saids Commillioners, quher travell fould be taken to satisfie them, leavand to them also libertie, befor the heids be recollecit and ordourit in ane bodie, to make argument as they think good against the same.

The heid given to the Laird of Dun, conforme to the order of distribution foresaid, being thocht be him obscure and myflick, the Kirk defyrit him to conferre with the remanent Commillioners the morne at seven houres, that he may be resolvit of the meaning therof.

The remnant heids beand prolix, [and amplie written be the Commiffioners,] were thocht good to be contractit in short propositions [and conclusions,] to be presentit to public reiding [thereafter.]

#### Sessio 2<sup>a</sup>.

The heid committit to Mr Andro Hay red in face of the Affemblic: nothing was opponit against the same, except the article anent the Suspension of Ministers, referrit to farther reasoning.

[The part of the Policie given to David Ferguson red: Sicklyke the 18 article was referrit; and nothing spoken be any man against the rest. C. & B.]

The pairts committit to Mr Andro Hay, Robert Pont, David Lindefay: nothing alledgit in the contrair.

The heids committit to Mr Johne Craig red: some things were defyrit to be contractit, andvthers referrit to farther reasoning.

#### Sessio 3<sup>a</sup>.

The haill labours of the brethren tane vpon the matter and argument of the Policie beand haililie red in publick audience of the Kirk, it was

thought expedient [and good,] That thair haill travells and wark in this matter, being now disperfed, fould be revifit and pervfit be fome brethren, and digeftit and difpolit in good and convenient ourdour, and therafter to be prefentit to the Affembly: And for that effect the Kirk appoints thair brethren, Mrs James Lowfone, Andro Melvill, Johnne Craig, George Hay, to conveyne together, to appoint the houres and place therto, and remaine therat quhill the matter be brocht to end; and, in the meane tyme, if it pleafe any man to reafon with them in the matter, to have acceffe therto.

[In the trial of the Vifitors, John Clapperton, Commiffioner of the Merce, was accused, That he refused to defigne the gleeb to the Reader of Langtoun: He answered, That he could not have the concurrence of the parifhioners conforme to the aët of Parliament. The Affembly ordaines the Reader to feek remeed at the Lords of Counfell, and the Commiffioner to defigne the faid gleeb conforme to the aëts of Parliament.

The Affembly ordained the Commiffioners to be placed in the parts of Fife, where Mr John Colvill remains, to burthen him with the cure of a kirk there conforme to the aët made before, and to proceed againft him if he difobeyed; and ficklelike the fame Commiffioners, and the Commiffioners to be appointed for Cliddifdaill, to charge him to provide his kirk in Cliddifdaill. C.]

#### Sellio 4<sup>a</sup>.

Anent the accenfatioun laid agains Mr Patrick Adamfone, callit Bifhop of Sanct Androes, That he had entrit in the faid Bifhoprick agains the aëts of the Generall Affembly, and ufurpit the office of Vifitatioun within the bounds of Fyfe, vnauthorized be the commiffion or power of the Kirk, and left his ordinar office of Miniftrie: The Generall Kirk, in refpect of his abfence to anfuer heirto, Gives thair full power and commiffion to [their brethren] Mrs Robert Pont, James Lowfone, David Fergusone, and the Superintendent of Lowthiane conjunctlie; and in cafe of the faid Superintendents inabilitie, to Mr David Lindefay, or John Brand, to direct out fummounds agains the faid Mr Patrick, fummounding him befor them at fick day or dayes as they fall think good, within the towne of Edinburgh, to try and examine his entrie and proceeding to the faid Bifhoprick, vfurpatioun of the faid office of Vifitatioun, and diferting his

ordinar office of Miniftrie quhilk he had of befor ; with power to them to fummound the Chapter of Sanct Androes, or fo many of the Chapter as fall feime to them expedient, if neid requyre, and the Ordinars and Inaugurers of the faid Mr Patrick, as they fall thinke good, for the better tryall of the premiffes. And what heirin they find be proces of examination, to report againe to the next Generall Affembly; and, in the meane tyme, in name of the Kirk to difcharge him of farther vifitation of the faids bounds quhill he be admittit be the Kirk.

### Sellio 5<sup>a</sup>.

[The which day, James Blackwood, Perfon of Sanquhar, being accused, That he bruikit twa benefices, viz. the Perfonage of Sancquhair and Vicarage of Saline, yet ferves not at ane of the kirks: The Affembly, after fome reafoning, Found he fould demitt ane of the faid benefices, and appointed him the morne to advife, and refolve which of them he would refigne. C. & B.]

[Concerning the Bifhop of Glaſgow his diligence, and feeding of a particular flocke as was promifed in the laſt Affembly before: It was found be report, and witneſſing of the countrey, and Commiſſioners thereof, that he had kepted his promiſe theranent; for which the Affembly praifed God, and required farther that he ſhould accept of a particular flock in tyme coming, conforme to the order and acts of the Affembly, who willingly agreed thereto.

### Sellio 6<sup>a</sup>.

Anent the refolution to be given be James Blackwood, Perfon of Sanquhar, to the determination of the Affembly given yesterday: The faid James prefent refolved, and declared, That, for fear of his life, he dar not refort to Sanchar to difcharge his cure there, and always he fhall ferve at Sawling while he get ſecurity of Sanchar: In this mean time, matters ſtanding uncertain, humbly prayed the Affembly, that he were not compelled to refign any of them. That answer being confidered be the faid Affembly, they ordained him to travell at the kirk of Sawling till the

next Generall Affembly, if he may not securely exercife his office at Sanquhar; and, in the mean time, that John Foulter support the kirk of Sanchar upon his cofts; always providing that the faid James inlift diligently be the laws of the realme, to get poffeffion of his benefice at Sanchar, and fhew his diligence thereupon, betwixt this and the next Generall Affembly: And ordaines the Commiffioners of the country to admonifh the Tutor of Sanquhar to make no impediment or trouble to the faid James, in ufing his office, and ferving the cure at Sanchar, under the paine of the cenfures of the Kirk to be ufed againft him, if he difobey. C.]

It was thoght expedient be the Kirk, that certaine of the brether be direct to the Regents Grace to informe him, that the Kirk is travelling in the matter and argument of the Policie; and quhat beis farther proceedit therin, his Grace fall receive advertifement befor the end of the Affembly. In this meane tyme, fundrie inconvenients may fall out befor this be perfytit, quhilks it wald pleis his Grace to confider and remeid: And for this effect were difpatchit from this Affembly Mrs David Lindefay and Johne Duncanfone, quho returneit and reportit, His Grace lykit weill of thair travells and labours that they tooke in that matter, requyring expeditioun and hafte outred therof: As for the particulars they informe wald be occurrit, let them be givin, they fall have good anfuer.

#### Seffio 8<sup>a</sup>.

The particulars of fick things as are defyrit to be ordinat be my Lord Regents Grace, befor the worke of the Policie came out, beand conceivit in a few articles, quhilck after fall appeir, were delyverit be the Kirk to thair brether Mrs David Lindfay, Andro Polwart, Johne Duncanfone, to be proponit to his Grace, and to that effect to awaite afternoon for his Graces anfuer; quho returning reportit that his Graces anfuer was, That, if the articles might be refolvit be himfelfe without the Counfell, they fould receive his anfuer the morne in the morning; vtherwayes the Counfall fould be conveynit the morne at afternoon, and therafter anfuer fould be given to fick as the Kirk directit to receive the fame; for the quhilck effect the Kirk directed Mrs John Craig and David Lindefay.

The tenour of the Articles above ſpecified.

Firſt, That proviſioun may be had for viſitors of the Countreys.

2. That ordour may be tane, that perſons depriyvit be the Kirk for not doing their offices, may be depriyvit of their benefices.

3. That his Grace will putt ordour to ſick as receives benefices, and thereafter coupes them.

4. That quhen benefices vaikes, they may be diſponed rather to ſick as hes ſervit at the kirks therof, than to vthers not ſo weil qualified.

5. That the acts of Parliament made againſt adulterers may be put to executioun, namelie, agains Willian Cochron, notorious adulterer.

6. That his Grace wald diſcharge playes of Robin Hood, King of May, and ſick vthers, on the Sabboth day.

7. Becauſe ther is diuerſe Reidars not entrit in the Booke of Aſſignatioun, partlie be reaſon of inlaik of Commillioners, and partlie be their negligence, That ordour may be provydit therfor.

The proces perſewit be the Laird of Tulliealane agains Johnne Dykes, Miniſter of Culros, was ſichtit be ſome brether, and the head of the bill was not found provin. The debait was finallie endit be the travells and perſwaſion of the brether appointit therto.

#### Sellio 9<sup>a</sup>.

Anent the complaint made be David Ferguſone vpon Mr James M<sup>c</sup>Gill, Clark of Register, and the zong Laird of Roſſyth, That, agains the acts of the Kirk, they cauſit burie the vmquhill Laird of Roſſyth in the Kirk of Dumferling, albeit the ſaid David made them fairſein of the ſaid act: The Kirk ordainit Johnne Durie to warn the Clerk Register to anſuer heirto, the firſt of May nixt to come.

#### Sellio 10<sup>a</sup>.

[The Aſſembly] ordaines the brether [appointed] to waite on my Lord Regents Graces anſuer, to make fute for Mr John Davidſones libertie to come in the countrey, for his favour, quhen he lykes to returne.

Anent the ordinance made in the last Assembly, and execution thereof, concerning the inbringing of the names of the persons defunct be the Commissioners of the Countries, conforme to divers other acts past of before : The Superintendent of Lothian answered, He hath presently certain names ready to be delivered to the Procurator Fiscal ; Mr John Craig for his part declared, He had delivered the names of the defunct within his bounds to the Commissioner of Aberdeen ; William Christeson, That he had delivered the names to the said purservant, direct to the Commissioners. The Assembly and Commissioners present have ordained the whole Commissioners of Countries to send in the names of the persons defunct within their bounds to the Procurator Fiscal at Edinburgh, if they be ready betwixt and the next Assemblie ; otherwise simpliciter to produce them then to be delivered to him, and to keep the act and ordinance made theranent before. C.]

The brethren appointit to collect the heids of the Policie presentit of before, reportit the same collectit in ordour, and digestit in one bodie ; and all men requyrit that had good reason or argument to propone, to offer them thereto.

Thrie heids were callit in doubt be certaine ; ane de Diaconatu, another de Jure Patronatus, the thrid de Divortiis, quherin they were not resolvit nor satisfiied : As to the rest, nothing was thocht to the contrair, nor opponit.

Thir thrie heids standand in contraverfie being publickly disputed and reasoned in utramque partem, yet farther disputation was reservit till the morne, to any man that lykit to take the part of reasoning upon him agains the faids heids.

The Commissioners appointit to awaite vpon my Lord Regents Graces anfuwer, reportit, Because they had no commission in wryte, his Grace gave no anfuwer to them.

[Questions proponed in the Generall Assembly, and their decissions.

Q. What shall be done concerning such persons who will not receive the Communion but in Lentron. A. Such persons ought not to be satisfiied, nor their superstition nurished therein.

Q. What shall therefore be done to Ministers and Readers, that, at such tymes in Lentron, or upon Saints dayes as they call them, as Jule and Pasche and such superstitious times, read, preach, or minister the



Communion, to retain the people in blindnes. A. The Visitor, with advice of the Synodall Assembly, ought to admonish such Ministers or Readers to desist and abstain therefrom, under the paine of deprivation ; and if they disobey, to deprive them.

Auent the complaint made upon the Clerk of Register, That he caused burie the late Laird of Rosslyth in the Kirk of Dumfermline against the acts of the Kirk : C.] The Clerk Register beand present, declared, That the Provest and Bailgies of Dumfermline aggreit to burie the Laird of Rosslyth in the Kirk, and that he was not the cause therof ; submittand himselfe alwayes to the judgement of the Kirk, if any offence be found done by him.

[The Assembly requested the Commissioners of Countries to continue in their commission and office of Visitation till the next Generall Assembly, and to use such diligence and travels as they may goodly doe for the comfort of the Kirk. Mr Andrew Hay, Commissioner of Clidisdale, protested, That he be not burdened with the Over Ward of Cliddisdail from Hamilton up ; always promised to keep Synodall Assemblies. C.]

The Generall Assemblie of the Kirk of this realme, considderand the great abundance of iniquitie overflowing vniversallie the hail face of the commoun weill, now in so great light and revelatioun of the true and Christian religioun, justlie provocking and stirring up the justice and equitie of God to take judgement and vengeance on this unworthie and vnthankfull nation ; seeand also the many perrillous stormes and rage of persecutioun daylie invadeing the Kirk and Spous of Jesus Chryst ; the found and extreame troubles of the zealous members therof in the partes of France and els quher, professing with them ane Saviour, Lord, and Messias ; the work of establisching a perfyte ordour and policie in the Kirk being presentlie in hand, Hes thought it good [meet and expedient] for the same reasons and good causes, That earnest and speidie recourse salbe had to God with commoun supplicatiouns and prayers : And to that effect, a generall Fast be observit vniversallie through all the kirks of this realme, with doctrine and instruction to the peiple ; to begin the second Sunday of Julij nixt to come, quhilk is the nynt day therof, and to continue to the nixt Sunday thereafter, vsing, in the meanetyme, exercise of doctrine according to the accustomed ordour ; and to that effect, that intimatioun be made heirof be Com-

millioners of Countreyes to the Ministers within their bounds, as appertaines. Given in the Generall Assemblie.

[Concerning the proposition of Mr James Lowson, Minister of Edinburgh, desiring the mind and declaration of the Assemblie, How they think to be done with the money which was collected to the support of the French Kirks, being yet in his hands undisposed : The Assembly present willeth the said money, or sameeikle farther which shall be inbrought of that which was promised for their support, to be employed to the use and necessity of the Kirk. C.]

Because the matter of the Policie of the Kirk, collectit be the brethren, is not yet in sicker perfyt forme as is requisite ; and fundrie things largelie intreatit, quhilk wilbe more summarlie handlit ; vthers requyryng farther dilatioun : For recollecting therof, and puting the same in good ordour and forme, and for avoyding of superfluitie and obscuritie, the substantialls beand keipit ; the Kirk presentlie hes willit thair belovit brethren, Mrs Robert Pont and James Lowson, to take travells and labours in the premises : and to the effect that the worke may be the better compleit and in readines against the next Generall Assemblie, quhilk is ordainit to begin at Edinburgh the 25 day of October next to come, the Kirk hes ordainit thair brethren, the Laird of Dun, Mrs Alexander Arbuthnet, Andro Melvill, Johne Craig, Andro Hay, George Hay, Johne Row, David Lindefay, Johne Duncanson, to convene and assemble together, the 19 of October next, in Edinburgh, to revise and consider the travells of their said brether, that the same may be the more advysedlie proponit publicklye, as said is. In this meanetyme, sicker as pleases to reason in the matter, to have access to the said brether : and lykewayes ordainit the Visitors of Countreyes to make intimatioun to the Barronis, that the said warke is in hand, and to be treatit in the next Generall Conventioun ; desyreand thair prefrence and concurrence therto.

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A. D. M.D.LXXVII.

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THE General Affembly of the Kirk conveyit at Edinburgh, in the Laigh Tolbuith therof, the 25 day of October 1577 : Where ther was present the Commissioners of Countreyes, Provinces, Townes, and Vniverfities, with the Minifters. Mr David Lindfay [Minifter of Leith] Moderatour.

Selfio 1<sup>a</sup>.

Because of great confufioun heirtofoir in Affemblies quhilk fell out be cafting in of purpofes vnforfein afoir, and be the multitude of the proponers therof, it was thocht meit, dureing this Affembly, that certain brether fould conferre with the Moderatour vpon matters to be intreatit on at this conventioun, viz. Mrs John Row, Alexander Arbuthnet, Andro Melvill, William Chriftofone, James Lowfone, Robert Pont, Andro Hay, Johne Duncanfone, [and the brethren to conveen with the Moderator at eight hours in the morning, and at half hour to two in the afternoon during the Affembly] : and fickleke it is thought good, that the aëts made in the Affembly be confidderit be the faid brether joynit to the Moderatour, and thereafter red in opin Affembly.

The Kirk thought meit, that my Lord Regents Grace fould be defyrit to be in this Affembly in proper perfon, or be Commiffioners ; and to that effect were directit Mrs Johne Row and James Lowfone, quho immediately returnit with anfuer, That his Grace had no leifure to talke with them, for occupatioun.

The haill Affemblic ordainit Mrs Johne Craig and Johne Brand to gang to his Grace for the fame effect, and to report his anfuwer the morne at nyne houres.

[In the trial of the Commiffioners, Mr Peter Watfon was delated for marrying Garleis in a privat houfe: He granted, but alledged he followed the example of Mr Willock, who had done the lyke there: The Affembly in refpect of the acts made, prohibiting privat celebration of marriage, ordained the faid Mr Peter to pafs to the parifh kirk of Difeir, where the faid parties fhould have been married, and upon a Sunday in prefence of the Congregation and Mr James Beton, Minifter, confeſs his offence in tranfgreſſing of the faid act, which he ſhall alfo read in prefence of the people, and to report a teſtimonial to the next Affemblic from the faid Mr James of the performance of this ordinance. C.]

[The brethren direct to my Lord Regents Grace reported his Graces anſwer was, That he was ſo occupied in earneſt affaires of the Counſell, that he had no leiſure to conferre with them. C. & B.]

The Kirk hes thought it meit that their brethren, John Brand and Mr John Craig paſſe againe to his Grace, and require his perſonal prefence in this Affembly, or Commiſſioners [to be directed from his Grace] authorized with his Commiſſion, [and to report his anſwer again the morn at nyne hours.]

Becaufe the matter of the Policie and juridiſtioun of the Kirk committit to the recollecting, formeing and diſpoſitioun of certaine brether, beand now preſentit be them, was thought expedient to be proponit and entreatit the morne: after the reiding of the generall heids therof, the haill brether was requyrit to adviſe with themſelves if they fand any vther heids neceſſary to be diſputit then theſe, and to ſignifie the fame to the Affemblic the morne.

### Sefſio 3<sup>a</sup>

Johne Brand returneit my Lord Regents Graces anſwer, That in reſpect of fundrie importunat buſlines he could not have the Counſell fo ſoone conveynit, he could not ſatiffie the petition of the Kirk, deſyrand that the brether that were ſend to him befor, ſould come downe and ſpeak with his Grace; and becaufe the Kirk is labourand in the Policie, pray-

and them to gang fordwart earnestlie and put the same to end. The Kirk ordainit Mrs James Lowfone and Johne Row to passe to his Grace the morne according to his desyre.

Mr Patrick Adamfone, in my Lord Regents Graces name, exhibite to the Assemblie a letter direct from the Queins Majestie of Ingland to his Grace, making informatioun of a certaine Counsell to have bein haldin at Magdeburg for establisshing of the Augustane Confessioun, with ane letter wrytin from the Cassimire to her Majestie of that same argument, desyre- and the Assemblie to advyse if they thocht meitt that any of the learned Ministers of this natioun fall repare thither, and quhom they will name and find good to this effect: To the quhilk desyre the Kirk continewit to give answuer to the 28 day of this instant.

The residue of this day beand consumed in examinatioun of the travells takin vpon the Policie, as it is notit thervpon, to the nixt Sesslioun, the Kirk ordainis it to be proceedit farther therin.

#### Sesslioun 5<sup>a</sup>.

[Concerning the motion made be Mr Patrick Adamfon, in my Lord Regents Graces name, touching the resolution of the Assembly if they thought needfull, That some of the brethren be directed to the Counsell which is to be held at Magdeburg, and whom they thought meet to be nominat thereto: C.] The Assemblie present in one mynd resolvit and adjudgeit it very necessar, that some of the Kirk shuld be direct to the Counsell to be haldin at Magdeburg, and hes nominat anytwa of the brethren following as salbe thocht most meit be my Lord Regents Grace, viz. Mrs Andro Melvill, Patrick Adamfone, David Cunighame, George Hay, David Lindefay, William Christefone, Alexander Arbutnet and Robert Pont; whose names the Kirk ordaines to be presentit to his Grace be Mr Craig, and to report his answuer againe.

Compeirit Johne Anderfon in linnen cloathes, in prefence of the hail Assemblie; and being prostrat on his knies, confessit he had offendit Mr Robert Boyd, Minister, in drawing of his blood, quherof he repentit with his heart, and asked God and his Kirk forgiveness, promising, be the grace of God, not to fall in the lyke wickednes in tyme comeing.

Sessio 6<sup>a</sup>.

This Sessioun being haillilie imployit in reasoning vpon the heids of the [Policie and] Jurisdictioun of the Kirk, the same argument was ordained to be [profecut and] followed out the morne, so farre as tyme may serve thervnto.

Sessio 7<sup>a</sup>.

Concerning the number of the brethren givin in to his Grace, [who are to be directed to the Council which is to be halden at Magdeburg, Mr Patrick Adamson reported my Lord Regents ansuer, That] it lyked him weill that the Kirk had givin him choise out of so reasonable a number, and that, in his opinion, Mrs Andro Melvill, George Hay and Alexander Arbuthnet were meitest for the purpose ; alwayes desyred the advyce and judgement of the Assemblie heirin, that after he may take resolution with his Counsell : The Kirk willit the said Mr Patrick Adamson with Mr Johne Craig and William Christefone, to travell with his Grace to know farther his Graces mynd in this behalfe ; and sicklyke to desyre his Grace to appoint the modifiers to conveine to the ordouring of the rolls of the Ministers, and to report his Graces ansuer againe to the Assemblie.

[For answering of the complaints and questions to be given in to this Assemblie : The Assemblie hath appointed their bretheren, John Duncanfon, William Christifon, John Braid, Mr James Carmichael, to convene at extraordinar hours to that effect ; and als to visit the proces of Kelfo, and to report their judgement to the Assemblie. C.]

Sessio 8<sup>a</sup>.

The persons directit to his Grace [to know farther of my Lord Regents Grace his mind concerning the persons directed to the Council which is to be holden at Magdeburg ; and the ordering of the rolls,] reportit, That he lykit weill Mrs Andro Melvill and George Hay to be directit to the said Counsell ; alwayes he wald know the advyce of the Counsell therin, quherof he wald make them to be informed : And, con-

cerning the rolls of Minifters, had appointit the Abbot of Dumfermling, George Auchinleck, Mr Nicoll Elphinstoun, and James Nicollfone to take ourdour therewith.

Sessio 9<sup>a</sup>.

Thomas Myrtone, feear of Cambo, and Mr Thomas Ramlay, gave in ane bill of accusation againft Mr Thomas Kynneir, Minifter of Craill, containand fundrie heids of slander layand againft him, as, namely, fufpitions of adulterie with Agnes Guidland, fpous to Sir Johne Browne, drunkennes, tilgefomenes, felling of the facraments: The faid Mr Thomas beand present denyit the haill poynts therof; and the faids bill beand referrit to the accufers produ&tion for proving therof, they produceit David Fermour, David Monypennie, Mr James Haliburtoun, Provest of Dundie, Johne Herreis and Mr Thomas Fermour, quho being admittit, and nothing opponit againft them be the faid Mr Thomas, were ordainit to be examined be William Chriftofone and Johne Durie, and thair depofitions to be presentit againe to the Affembly, to be confiderit quhat they may import.

Sessio 10<sup>a</sup>.

The depofitioun of the witnes being examinat in the faid caufe being reportit at afternoone, the Affembly continewit the pronouncing of thair fentence in the matter to the morne, and warnit both the parties therto.

Mr Androw Polwart was decernit to be frie and at libertie fra the kirk at Paislay, that he may ferve vther quher it pleafes God to call him; becaufe of the contempt of the difcipline, thair manifest vyces, minacing and boasting of him in doing his duetie, his labours cannot be profitable to them; befides fome privat caufes quhilk were confiderit be Mrs Andro Hay, Alexander Arbuthnot, George Hay, and Andro Melvill, and they reportit thair judgement, quhervpon the decreit paff.



Sessio 11<sup>a</sup>.

Anent the greivous accusation laid against Mr Thomas Kynneir be the Laird of Cambo and Mr Thomas Ramfay, concerning his slanderous and vngodlie lyfe: The haill Assemblie, after publick reiding of the witneffes and probatioun deduceit in the matter, and dew confideratioun therof, and after takeing oath of the accusers that they accuse neither for malice nor choler, but for conscience cause, knawand the accusatiouns they charge him with to be trew, Decernes, all in ane voyce, the said Mr Thomas to be depriuit, lykeas they depriue him of the Miniftrie in all tyme comeing; debarreing him from the participation of the holie Supper of the Lord, ay and quhill his repentance be testified to the Generall Assemblie be the Visitor of the Countrey quher he remaines, and humble supplicatioun be made be the said Mr Thomas to the haill Assemblie, to be admittit therto, and receive thair anfuier to that effect: And that this sentence be intimat in the Kirk of Craill in the pulpit therof be the Commiffioner of the Countrey.

Sessio 12<sup>a</sup>.

[Anent the determination of the Assembly concerning James Blackwood, Reader at Sauling, for marrying of the Commendator of Dumfermline and his wife, being resident without his parish, without testimonials of the Minister of the parish where they make residence: The Assembly decernes the act made against such persons, the 27 day of December 1565, to be execut against him, to incurre the pains thereof, viz. deprivation of his office, tinfell of his stipend, and other pains, as the Generall Assembly shall thereafter think meet to be enjoyned. C.]

Sessio 13<sup>a</sup>.

Forfameikle as the heids of the Policie and Jurifdictioun of the Kirk beand haillilie red in the audience of the haill Assemblie, and thought good [and expedient,] that the famein shuld be presentit to my Lord Regents

Grace, as was agreeit be reasoning amongst the brethren, saifand the head, de Diaconatu, quhilk is ordained to be givin in with a note, That the same is agreeit be the most part of the Assemblie, without prejudice of farther reasoning: To the effect the saids heids may be put in mundo, disposit and sett in good ordour, according to the mynd of the Assemblie, the Assemblie hes willit Mrs James Lowfone, Robert Pont, David Lindefay, and the Clark of the Assemblie, to travell with diligence therin: And the same beand put in mundo be them, according to the originall, to be sein and revisit be Johne Duncanfone, David Fergufone, the Laird of Dunne, if he be present, Mr James Carmichaell and Johne Brand; and beand found be them according to the originall, to be presentit be the saids Mrs James Lowfone, Robert Pont and David Lindefay, together with ane supplicatioun pennit and delyverit to them be the Kirk, to my Lord Regents Grace: and in cace conference and reasoning be socht be his Grace vpon the saids heids presentit to his Grace, the Assemblie hes ordainit Mrs Patrick Adamfone, the Laird of Dunne, Johne Craig, Johne Row, Alexander Arbuthnet, Andro Melvill, James Lowfone, Robert Pont, David Lindfay, Andro Hay, George Hay, and Johne Duncanfone, to concurre and awaite vpon the said Conference as they salbe advertised be his Grace.

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